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LAWS,

DOCUMENTS AND JUDICIAL DECISIONS,

RELATING TO THE

BALTIMORE AND FREDERICKTOWN, YORK AND REISTERSTOWN,

CUMBERLAND AND BOONSBOROUGH

TURNPIKE ROAD COMPANIES.

BALTIMORE:
PRINTED BY JOHN D. TOY.

1841.

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CUMBERLAND TURNPIKE ROAD.

Capital \$481,920.

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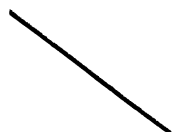
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BOONSBOROUGH TURNPIKE ROAD.

Capital \$68,000.

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CHARTERS.

NOVEMBER, 1804.—CHAP. 51.

An Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes. Passed Jan 12, 1805.

Supplementary and other acts are, ch. 101; 1805, ch. 15, ch. 67; 1807, ch. 130, ch. 144, ch. 147; 1808, ch. 50, ch. 92; June, 1809, ch. 2; November, 1809, ch. 124; 1810, ch. 141; 1811, ch. 49, ch. 74, ch. 195, ch. 202; 1812, ch. 59; 1813, ch. 171; 1815, ch. 125, ch. 166; 1817, ch. 8; 1824, ch. 105; 1828, ch. 46; 1831, ch. 94; 1835, ch. 381.

WHEREAS it is represented to this general assembly, that by the several laws heretofore passed on this subject,* the desirable object contemplated by the legislature has not been obtained, and the public expectation almost entirely frustrated; therefore, Preamble.

* 1787, ch. 23; 1790, ch. 32; 1795, ch. 10, ch. 45; 1796, ch. 44; 1797, ch. 65, ch. 70, ch. 105; 1798, ch. 53; 1800, ch. 6, ch. 8; 1801, ch. 77; 1802, ch. 80.

SECTION 2. *Be it enacted, by the General Assembly of Maryland,* That the three following companies shall be incorporated, to wit: One for making a turnpike road from the city of Baltimore, through Newmarket, to and through Fredericktown, and from thence to and through Middletown, and from thence to Boonsborough;* one for making a turn- Three companies incorporated.

* By ch. 101, the road may be extended from Boonsborough to Hagerstown, and from Boonsborough to Williamsport. By November 1809, ch. 124, the road may be extended from Fredericktown to Harper's Ferry; but see 1815, ch. 166, s. 17. By 1815, ch. 125, the road may be extended from Boonsborough to that point on the west bank of the Big Conococheague which the Cumberland turnpike company shall fix on as the beginning of their road; and for making the last mentioned extension subscription books to be opened, &c.

CHARTER.—1804, ch. 51.

pike road from Baltimore, through Reisterstown, to the Pennsylvania line towards Hanoverstown, and through Westminster to the Pennsylvania line towards Petersburg,* as shall be agreed upon by a majority of the stockholders; and one other company for making a turnpike road from Baltimore towards Yorktown to the Pennsylvania line.

* By 1805, ch. 67, the road may be extended from Westminster to Taneytown, to Emmitsburgh, and thence to the Pennsylvania line.

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SEC. 3. *And be it enacted*, That subscription books be opened for a capital stock of two hundred and twenty thousand dollars, in shares of twenty dollars each, and that subscriptions be taken in for one hundred thousand dollars of the same at the city of Baltimore, under the direction of James Carey, Luke Tiernan, George F. Warfield and Francis Hollingsworth; for fifty thousand dollars at Fredericktown, under the direction of John Schley, Henry Ridgely Warfield and David Levy; for twenty thousand dollars at Middletown, under the direction of Frederick Stemple, Joseph Swearingen and Samuel Shoup; and for fifty thousand dollars at Elizabethtown, under the direction of Thomas Sprigg, Nathaniel Rochester, Charles Carroll, Jacob Zellar and Elie Williams, for the first before mentioned road; and for a capital stock of one hundred and sixty thousand dollars, in shares of twenty dollars each, at the city of Baltimore, under the direction of William Owings, Solomon Etting, David Williamson, Edward Johnson, doctor John Cromwell and Charles Carnan, for the second before mentioned road; and for a capital stock of one hundred thousand dollars, in shares of twenty dollars each, at the city of Baltimore aforesaid, for the third before mentioned road, under the direction of James Winchester, Joseph Thornburg, Thomas M'Eldery, Nicholas Merriman, of Elijah, and David M'Mechen, who are hereby appointed commissioners for the purposes aforesaid; who shall, for each of the com-

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town road,
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rstown
\$160,000.†

and,
†

† Present capital of Fredericktown road, \$597,100; of the Reisterstown road, \$638,000; and of the York road, \$279,000; and see note to sec. 28, p. 25.

Capital of the

Federick Road	\$ 220.000
Reisterstown	\$ 160.000
York	\$ 100.000
Bronsboro	\$ 68.000
Cumberland	\$ 1481.920

No. of Shares

Federick	11000	}
Reisterstown	8000	
York	5000	
Bronsboro	3400	
Cumberland	24096	

CHARTER.—1804, ch. 51.

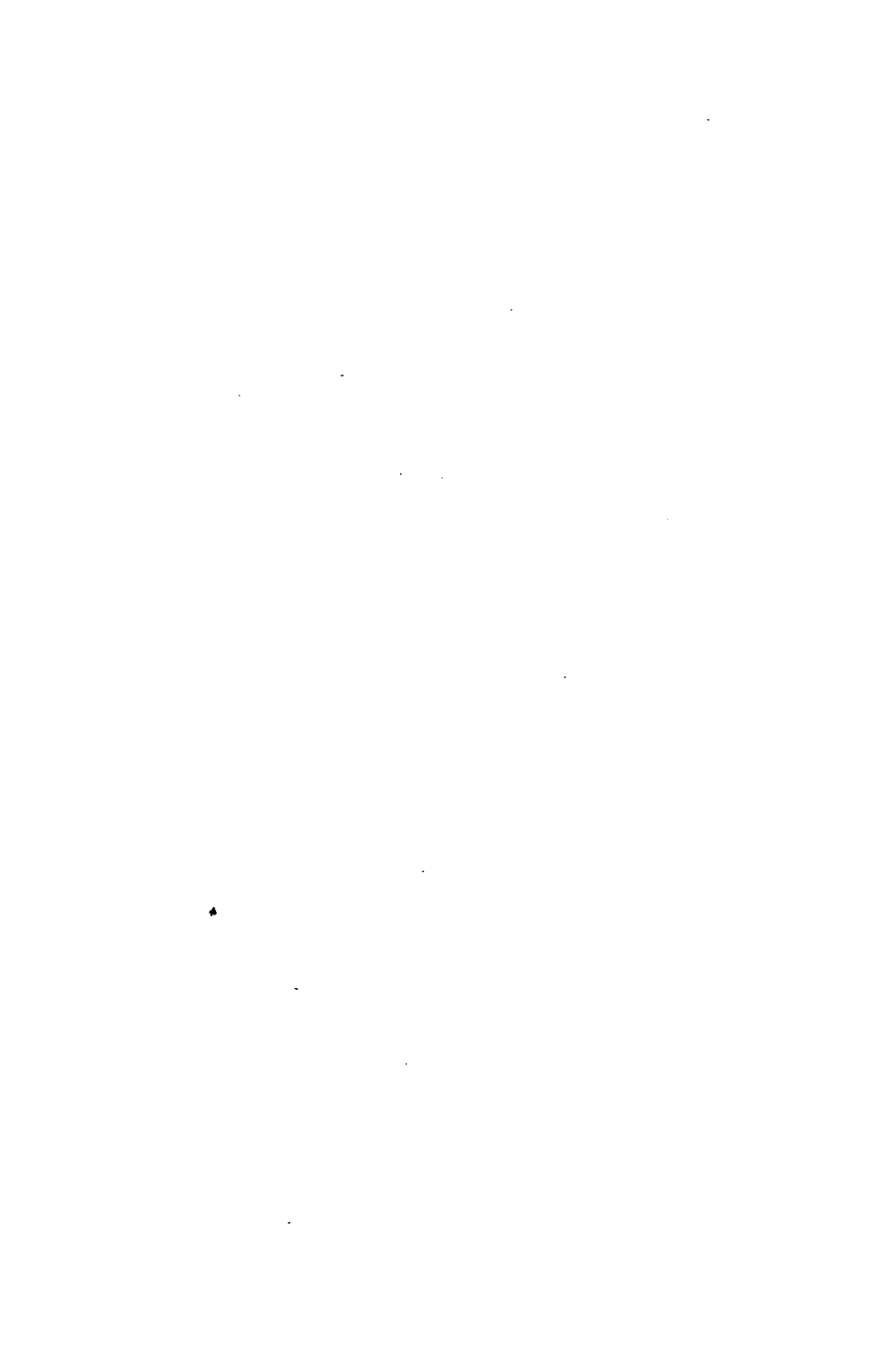
panies for which they are respectively appointed, on ^{Manner of} or before the first Monday of April next, procure ^{scribing.} books, and in each enter as follows, to wit: 'We, whose names are hereunto subscribed, do promise to pay to the president, managers and company, of the, (here insert the name of the company,) the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, agreeably to an act of the state of Maryland, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes. Witness our hands this — day of —, eighteen hundred and —,' and shall give notice ^{Notice.} in two of the public newspapers in Baltimore, one in Easton, and both in an English and German newspaper in Fredericktown and Elizabethtown, for one month at least, of the times when, and places where, the said books will be open to receive subscriptions of stock for such respective company or companies, at which times and places at least two of the said respective commissioners shall attend for each of the said respective companies, and shall permit and suffer all persons who shall offer to subscribe in person, or by attorney duly authorized, in the said books, which shall be kept open for that purpose at least four hours every day, Sundays excepted, for the space of three days, if three days shall be necessary; *Provided nevertheless*, that the said commis- ^{Proviso.} sioners shall not permit any one person or company to subscribe for more than twenty-five shares during the first day on which the said books shall be opened in either of the respective companies, nor more than fifty shares on the second day on which the said books shall be opened; and if at the expiration of the said three first days the said books shall not have, for each respective road, the full number subscribed, the said respective commissioners may adjourn from time to time until the number of shares respectively shall be subscribed, of which adjournment public notice shall be given in at least two of the public papers of the city of Baltimore, one in Easton, and in an English and German paper in Frederick and Elizabethtown; and when the said

CHARTER, 1804, ch. 51.

subscriptions in the said books shall amount to the said respective numbers aforesaid, the same shall be closed; *Provided always*, that every person offering to subscribe in the said books in his own name, or in the name of any other person, shall, upon subscribing, pay to the attending commissioners one dollar for every share to be subscribed, out of which shall be defrayed the expense attending the taking such subscriptions, and other incidental charges, and the remainder shall be deposited in one or more of the banks of Baltimore, for the use of each respective corporation for which the same shall be taken, as soon as the same shall be organized and the officers chosen as herein after mentioned.

SEC. 4. *And be it enacted*, That when one hundred persons or more shall have subscribed two thousand five hundred shares or more of the said stock of the first before mentioned company, and when one hundred persons or more shall have subscribed two thousand five hundred shares or more of the said stock of the said second before mentioned company, and when eighty persons or more shall have subscribed two thousand shares or more of the said stock of the said third before mentioned company, the said commissioners heretofore named for each respective road shall, as soon as conveniently may be, give thirty days notice in two of the newspapers of the city of Baltimore, one in Easton, and in an English and German paper in Frederick and Elizabethtown, of the time and place by them appointed for the subscribers to meet, in order to organize the said corporation, and to choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person, or by proxy duly authorized, one president, eight managers, one treasurer, and such other officers as shall be deemed necessary to conduct the business of each of the said companies, until the third Monday in October next, and until like officers shall be hereafter chosen,* and make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of this state, and may be necessary for the well governing

* See 1805, ch. 15, s. 3, and ch. 67, s. 3.



CHARTER.—1804, ch. 51.

the affairs of the said companies; *Provided always*, Scale of that no person shall have more than twenty-five Maximum votes in any election, or in determining any ques- 25. tion arising at such meeting, whatever number of shares he, she or they may be entitled to notwithstanding, and that each person be entitled to one vote for every share so held under the said number twenty-five.

SEC. 5. *And be it enacted*, That the stockholders Stockhold in the said respective companies shall be and they corporate are hereby incorporated and constituted three separate and distinct bodies politic, the first before mentioned by the name of The President, Managers Style of 1 and Company of the Baltimore and Fredericktown companie Turnpike Road, the second before mentioned company by the name of The President, Managers and Company of the Baltimore and Reisterstown Turnpike Road, and the third before mentioned company by the name of The President, Managers and Company of the Baltimore and Yorktown Turnpike Road, and by the same names the said subscribers, and their successors, shall have succession during the Powers. continuance of this incorporation, and shall have all the privileges and franchises of, or incident to, a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same from time to Right to in time* by new subscriptions on the original terms, in capital. such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing and taking To hold r to them, and to their successors, in fee-simple, and personal for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, provided the said real estate shall not exceed twenty acres in any one lot or parcel, and of suing and being sued, answer and being answered; and each of the said companies shall have power to make a seal, and Make a s alter, and break and renew the same, according to their will and pleasure.

* See note to section 28, p. 25.

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SEC. 6. *And be it enacted,* That the sums so subscribed shall be paid to the managers elected agreeably to this act, in the manner following, to wit: One-fourth part thereof, (including the one dollar paid to the commissioners at the time of subscribing,) at the end of one month after the election of managers, one-fourth part at the end of six months after the election of managers, and the remainder in such sums, and at such times, as the managers may appoint, they giving two months notice of the payments so required in each of the aforementioned papers.

SEC. 7. *And be it enacted,* That the first before mentioned company shall meet on the first Monday in October next, and on the first Monday in October in each succeeding year; the second before mentioned company shall meet on the second Monday in October next, and on the second Monday in October in each succeeding year; and the third before mentioned company shall meet on the third Monday in October next, and on the third Monday in October in each succeeding year, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned, in such manner and form as shall be prescribed by their respective by-laws; at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations, made as aforesaid, and to do and perform any other corporate act herein authorized.

SEC. 8. *And be it enacted,* That the respective presidents and managers, first chosen as aforesaid, shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said respective company, to each person or persons for every share by him, her or them subscribed and held, he, she or they, having paid to the commissioners aforesaid one dollar for each share, which certificate shall be transferable at

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his, her or their pleasure, in person, or by attorney duly authorized, in the presence of the president or treasurer,* subject however to all payments due, and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and for every certificate assigned to him, her or them, as aforesaid, shall be entitled to one share of the capital stock, and of all the estate and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Transfe
made in
sence o
presider
treasure

* By act 1807, ch. 130, which see, post, transfers may be made in presence of the secretary.

SEC. 9. *And be it enacted*, That the said respective presidents and managers shall meet at such times and places as shall be ordained by their respective by-laws, and when met, five members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other officers, as they shall deem necessary to carry on their intended works, and to fix their salaries and wages, and to draw on the bank for all moneys as shall have been so as aforesaid deposited by the commissioners aforesaid, which draughts shall be signed by the said respective presidents, or in their absence, by a majority of a quorum, and countersigned by their treasurer, and generally to do all such other acts, matters and things, as by this act, and the respective by-laws, rules, orders and regulations, of the company, they shall be authorized to do.

Meeting
board to
officers
on inten
works—
member
form qu
minutes
ceedings
kept.

Fix sale
and wag
checks |
be draw

SEC. 10. *And be it enacted*, That after thirty days public notice in all the public papers aforesaid of the time and place appointed for the payment of any proportion of the said capital stock of either of the said companies, any stockholder shall neglect to pay such proportion at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, his, her or their assignee, shall, in

Penalty
glect of
ment.

Forfeiture—
right of com-
pany to sell the
same.

addition to the payment so called for, pay at the rate of five *per cent.* per month for delay of such payment; and if the same, and the said additional penalty, shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part on account of such share or shares, the same shall be forfeited to the said company, and may and shall be sold and assigned by the president and managers of said company to any person willing to purchase the same, for such price as can be obtained for the same, and the purchaser or purchasers aforesaid shall have all the benefit and advantage of such assignment and purchase, as if he, she or they, had been an original stockholder.

Roads to be
made over and
upon beds of
present roads.

May depart
therefrom to
save distance
and expense.

Not to be di-
verted from any
town or village,
nor to pass
through mea-
dows, gardens,
orchards, &c.

Reisterstown
and York turn-
pikes not to de-
viate.

SEC. 11. *And be it enacted*, That the said roads shall be made in, over and upon, the beds of the present roads, as laid out and confirmed by the commissioners of review, and the several acts of assembly relating to the same, and also upon every extension of the said roads as established by this law; *Provided always*, that should it appear, on a resurvey of any part of the extension of said roads by sworn surveyors, that a considerable saving in distance would thence arise to the public, and in expense to the company or companies, that in all such cases it shall be lawful to depart from the tract of the road so originally laid down, and improve the shorter and less expensive route;* *Provided also*, that in all such deviations the road shall not be diverted or taken from any town or village through which it now passes, nor shall it pass through the meadows, gardens, orchards or grain fields, whilst the grain or crop is growing therein, without the consent of the proprietor or proprietors thereof; *And provided also*, that no deviation shall be made from the beds of the Reister's and Yorktown turnpike road† as now laid out and confirmed.

* See act 1807, ch. 30, sec. 3, see post.

† See act 1807, ch. 147, sec. 2, see post.

SEC. 12. *And whereas*, Baltimore county has, from time to time, laid out and expended considerable

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sums of money in turnpiking said roads, and it is reasonable and just that the said county should be reimbursed the value to the company of the said turnpike improvements made thereon; therefore, *Be it enacted*, That the levy court of Baltimore county, at their next meeting after the respective presidents and managers shall have been chosen, shall be and they are hereby authorized and directed to appoint three persons, such as they may deem suitable, for each of the respective roads aforesaid, due notice of which appointment, in writing, with the names of the persons appointed, shall be given to the presidents respectively, and upon such notice being given, the said respective presidents and managers shall forthwith appoint a like number on the part of their respective companies, within ten days after being informed as aforesaid of the appointments by the levy court, and shall immediately give notice thereof to the said persons appointed by the levy court, which six commissioners, so appointed for each respective road, shall, within ten days after the notice aforesaid, meet, and proceed to choose from out of the next adjoining county to that respective road, three other persons, such as they may deem suitable, which nine persons, after being duly qualified before some justice of the peace, truly and impartially to estimate the value of the aforesaid turnpike improvements to the respective companies, shall compose a commission, neither of which shall be interested in the stock of the said road which they may be appointed to value, and shall proceed to value and determine the then value of the said improvements on the said roads, and deliver a copy of their said award, within twenty days after the day of the first meeting of said commissioners, under their respective hands and seals, or in case of disagreement, a majority of the said commissioners shall sign and seal the same, and deliver one such copy thereof to the clerk of the levy court of Baltimore county, and another to the president and managers of the company for the road for which they shall have been appointed, each, provided they accept to act under such appointment, under the penalty of five

Baltimore
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bursed the
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Mode of as
taining said
value.

hundred dollars, one-half thereof to the use of the said county, and the other half for the use of the said company, to be recovered as other fines and forfeitures are for the uses aforesaid under this act; and the said road shall, upon returning and the filing of said award with the clerk of Baltimore county levy court, become the property of the said company, they first paying each commissioner, so chosen to determine the value of each respective road, the sum of five dollars for each day by him employed in viewing said road, and in making such valuation; and if it shall so happen that any of the said commissioners shall die, resign, or refuse to act, the justices of the levy court, or such person as they may appoint for that purpose, and the companies respectively, shall forthwith proceed to fill up such vacancies.*

* See, as regards the York road, act 1808, ch. 92, post.

Certificates of shares to be issued to levy court of Baltimore county, to amount of the valuation of old roads.

SEC. 13. *And be it enacted*, That certificates of shares, to the amount of the valuations aforesaid for each respective road, shall be made out by the respective companies in the name of the levy court of Baltimore county, and delivered to the said court, and all dividends or profits arising on said shares shall be paid to the levy court of Baltimore county, to be appropriated by the said levy court in such manner, to the use of the said county, as they may think proper.

Levy court entitled to vote.

SEC. 14. *And be it enacted*, That the levy court shall have all the privileges of voting at elections, as any individual or company holding a like number of shares of the said stock, would have.

SEC. 15. *And whereas*, The road leading towards Fredericktown was laid out and confirmed by the commissioners of review only so far as the line of Baltimore county, and the road from the end of the aforesaid road through Anne Arundel county to the Anne Arundel county line, on a direction towards Fredericktown, was laid out by commissioners appointed by law for that purpose, and from thence through part of Baltimore county, and partly through Frederick county to Fredericktown, was laid out by commissioners appointed by law for that purpose,

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which said roads have been opened and put into their present state of improvement at the expense of the said counties: *And whereas*, it is reasonable and just that the said counties should be paid the value of the said improvements; therefore, *Be it enacted*, That the present rights of the said counties to the said road, and improvements made thereon, shall be ascertained in the same manner as is herein before directed for ascertaining the value of the turnpike roads in Baltimore county, and the president, managers and company, of the Baltimore and Fredericktown turnpike road, shall pay the amount of the said valuations to the levy court of each respective county, or their orders, on or before the end of two years from the time the said respective valuation or valuations shall be made and returned, and upon such valuation or valuations being made and returned to the said president and managers, and the respective levy courts aforesaid, the said respective parts of the said road shall thereupon be vested in the said president, managers and company of the Baltimore and Fredericktown turnpike road, during the continuance of this act of incorporation.

Anne Arunde and Frederick counties to be paid for their improvements on old roads, same manner with Baltimore county.

Respective parts of said roads vested in Fredericktown turnpike.

SEC. 16. *And be it enacted*, That in all cases where stone, gravel, earth or sand, not already quarried or dug for the use of the owner, or for sale, shall be necessary for making or repairing either of the said turnpike roads, the president and managers of the company, or a majority of them, or any person authorized by them, may agree with the owner or owners of said materials for the purchase of the same, or with the said owner or owners of the land on which the same may be, for the purchase of said land; and in case of disagreement, or in case the owner should be a *feme covert*, under age, or *non compos*, or out of the state or county, the president of the company, or any person authorized by him for that purpose, shall apply to a justice of the peace for the county wherein the said materials may be, which justice shall thereupon issue his warrant, directed to the sheriff of the county, commanding him to summon twelve disinterested persons, qualified to serve as jurors in the court, to meet at

President and managers may agree with owners of stone &c. for the same.

Twelve disinterested persons to be summoned to value materials.

the place where the said materials may be, and the said sheriff shall qualify the said persons, either by oath or affirmation, (as the case may be,) justly, truly and impartially, to value the damage which may be sustained by the owner or owners of the materials required by such company; and the said persons shall, after valuing the damage which may be sustained by the owner or owners of such materials, and return, under their hands and seals, to the justice who issued the warrant, one copy of their said valuation, one other copy to the president of the company, and one other copy to the owner or owners of the said materials, if such owner shall reside in the county where the said materials may be, and shall not be under any legal disability to receive the money adjudged and give sufficient discharges therefor, and the president and managers shall pay, or secure to be paid, the damages so adjudged before they shall proceed to remove the said materials; and if the owner or owners of such materials shall reside out of the county, or be under any legal disability, then the president and managers shall enter into bond, conditioned for the payment of the damages assessed, to the person or persons who may be duly authorized to receive the same, and shall lodge said bond and a copy of the said valuation, in the office of the clerk of the county court, to be by him recorded, and upon such bond, or an office copy thereof, suit or suits may be instituted against the obligors therein named, by any person or persons entitled to receive such damages; and the justice and sheriff shall be entitled to receive the same fees for services under this act, as they are allowed in similar cases; and the persons summoned as jurymen to value the damages sustained as aforesaid, shall each receive one dollar for every day he shall attend for that purpose, which fees and allowance shall be paid by the president and managers of the company at whose instance the persons may have been summoned.

here owner
resides out of
county, company
enter into
bond, &c.

right to erect
bridges over
water courses
crossing the
roads.

SEC. 17. *And be it enacted*, That the said presidents, managers and companies, shall have power to erect permanent bridges over all the waters crossing



de Act 1787 art. 23 Chap. 2 sec

the said roads,* wherever the same shall be found necessary, and shall cause the said roads to be kept open to the same width, and in the same place, as they were originally laid out and confirmed by the commissioners of review, and acts of assembly heretofore passed relating thereto, and shall *case* twenty feet thereof in breadth at least, to be made an artificial road, which shall be bedded with wood, stone or gravel, or any other hard substance, well compacted together, a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will reasonably admit, an even surface, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, except over the Catoctin and South mountains, where it may rise or fall to an angle of six degrees with an horizontal line, and shall for ever hereafter, during the continuance of said incorporation or incorporations, maintain and keep the same in good and perfect order and repair.

Bed of roads
be 20 feet wide
of wood, stone
or gravel, &c.

Not to rise or
fall more than
degrees.
Exception.

To be kept in
good and perfect
order and repair

* See act 1828, ch. 46, where rail road crosses turnpike.

SEC. 18. *And be it enacted*, That it shall and may be lawful for the levy court of Baltimore county, to keep up the respective turnpike gates on the said respective roads, as the same are now set up and established, and appoint toll-gatherers to receive the tolls, and to take at each of the said gates or turnpikes the same tolls that are now established at said gates or turnpikes, until the said companies shall have completed the distance of ten miles of each or either of the said roads from the city of Baltimore, when it shall and may be lawful for the said companies to establish and set up gates, appoint toll-gatherers, and receive tolls, agreeably to the provisions of this act; * *Provided*, that it shall be the duty of the first before mentioned company to complete and keep in repair, from their intersection, as well the road leading into Pratt street as the road leading

Levy court to
keep up present
gates and to re-
ceive the tolls
till 10 miles are
finished.

When companies
may set
gates, &c.

Frederick com-
pany to com-
plete and keep
in repair the
road leading to
Pratt street at
Baltimore street

* See sections 19 and 20, and notes thereto.

No gate to be placed between Montgomery road and Ellicott's mill.

into Baltimore street, in the manner prescribed in this act; *And provided also*, that no turnpike or gate shall be set up, on or across the said road, between the intersection of the road leading from Montgomery court-house to the city of Baltimore and Ellicott's lower mills on Patapsco falls.

When ten miles are completed, notice to be given to the governor.
License to erect gates when roads are approved.

SEC. 19. *And be it enacted*, That as soon as either of the said presidents, managers and company, shall have perfected either of the roads for any distance from the city of Baltimore not less than ten miles, and so on from time to time any other like distance progressively, they shall give notice thereof to the governor of this state, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view and examine the same, and report to him in writing, whether the said road is so far extended in a masterly workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the governor shall, by license under his hand and the seal of the state, permit and suffer the said presidents, managers and companies, to erect and fix such and so many gates or turnpikes* upon and across the said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said company, from all persons travelling on the same with horses, cattle, wagons, carts and carriages.

* See act 1804, ch. 105, sec. 4; and act 1835, ch. 381.

Toll-gatherers to be appointed.

SEC. 20. *And be it enacted*, That the said respective companies, having perfected either of the said respective roads, or such parts thereof, from time to time as aforesaid, and the same being examined, approved and licensed, in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive, of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving, any horses, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, coach, coachee, cart, wagon, wain, sleigh, sled, or other carriage of plea-

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sure or burthen, from passing through the said gates or turnpikes, until they shall have respectively paid ^{Rates of t} the same; that is to say, for every space of ten miles in length of the said road, the following sum of money, and so in proportion for any greater or lesser distance,* or for any greater or lesser number of sheep, hogs or cattle, viz: for every score of sheep, one-eighth of a dollar; for every score of hogs, one-eighth of a dollar; for every score of cattle, one-fourth of a dollar; for every horse and his rider, or led horse, one-sixteenth of a dollar; for every chair or chaise with one horse and two wheels, one-eighth of a dollar; for every chariot, coach, stage, wagon, phaeton or chaise, with two horses and four wheels, one-quarter of a dollar; for either of the carriages last mentioned with four horses, three-eighths of a dollar; for every other carriage of pleasure, under whatsoever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every cart or wagon whose wheels do not exceed the breadth of four inches, one-eighth of a dollar for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches, and not exceeding seven inches, one-sixteenth of a dollar for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches shall roll more than ten inches, five cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, two cents for every horse drawing the same.

* See opinions Judge Nicholson, Dorsey, Chief Judge, Hanson and Ward; and act 1831, ch. 94, sec. 2, post.

SEC. 21. *And be it enacted*, That for the purpose ^{Company} of ascertaining the weight that may be drawn along ^{erect sca} the said road in any cart, wagon, or other carriage of ^{weigh lo} wagons,

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burthen, it shall and may be lawful for the said president, managers and company, to erect and establish scales and weights at or near such and so many of the gates erected, or to be erected in pursuance of this act, as they may think proper; and where there may seem reasonable cause to suspect that any cart, wagon, or other carriage of burthen, carries a greater weight than is or shall be by law allowable, it shall be lawful for the toll-gatherers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, wagon or other carriage of burthen, shall be drawn into the fixed or erected scales at or near any such gate or turnpike, and the weight or burthen drawn therein ascertained by weighing; and if the person or persons driving or having care or charge of any such cart, wagon, or other carriage of burthen, shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers and company, any sum not less than five dollars nor more than eight dollars, to be recovered in the manner herein after mentioned.

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gons, &c.

SEC. 22. *And be it enacted*, That no wagon or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than three tons; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more shall roll at least ten inches, shall be drawn along the said roads with more than five tons; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less shall not roll at least twelve inches, shall be drawn along the said road with more than eight tons; that no cart or other carriage with two wheels, the same breadth of wheels as the wagons aforesaid, shall be drawn along the said road with more than half the burthen or weight aforesaid; and if any cart, wagon or carriage of burthen whatsoever, shall be drawn along the said road with a greater weight than is hereby allowed, the owner or owners of such carriage, if the excess of burthen shall be three hundred



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weight or upwards, shall forfeit and pay four times Fine for e the customary tolls, for the use of the company ; *Provided always*, that it shall and may be lawful for Company the said company, by their by-laws, to alter any or alter max all the regulations herein contained respecting the burthens or carriages to be drawn over the said road, and to substitute other regulations, if upon experiment such alterations shall be found conducive to the public good ; *Provided nevertheless*, that such Proviso. regulations shall not lessen the burthens of carriages above described.

SEC. 23. *And be it enacted*, That the treasurer of Treasurer the western shore be and he is hereby constituted a western s court of inspection, and it shall and may be the duty appointed of the respective companies, once every year, (and court of i oftener if required by the court,) to lay before the same a correct and methodical account of their dis- Annual s bursements and expenditures, and of the amount of ment to b the tolls collected and received on their respective to him. roads for and during the twelve months preceding, and whenever the tolls shall, during two following years, exceed ten *per centum*, free of all charges on Excess ab the institution, the said court shall, at their discre- per cent. i tion, hold the excess thus arising above the said reserved. ten *per centum* in reserve, to meet any future deficiency, or, if in their judgment a continuance of the then tolls would produce a like annual excess, to lower the tolls, or any of them, so as to bring the aggregate on the roads respectively to ten *per centum per annum* ; and the said court may, in their discretion, on the representation of the aforesaid compa- Treasurer nies, revise the tolls herein established, so as to at the inst render them in their operation more favourable to of the cor commerce and the industry of the citizen. revise toll

SEC. 24. *And be it enacted*, That the stockholders of the present companies shall be entitled to receive Stockhold ten *per centum per annum*, and no more, over and to receive above all charges and deductions whatsoever ; and than ten l the president and managers of the respective com- per annum panies shall keep a just and true account of all and every the moneys received by their several and res- Account & pective collectors of tolls at the several and respec- kept of tol tive gates and turnpikes on the said roads, from the

beginnings to the ends thereof, which account shall be upon oath, or affirmation, as the case may be, and shall make a dividend of the clear profits and income thereof, not exceeding ten *per centum* in any year, among all the stockholders of every description, and shall, on the first Monday in *November** and *May** in every year publish the half-yearly dividend made of the said clear profits as aforesaid, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

vidends.

hen to be de-
ired.

* By 1817, ch. 8, the dividends are to be declared in January and July yearly. See post.

SEC. 25. *And be it enacted*, That all such carriages as aforesaid to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

no oxen or one
ale equal to
e horse.

SEC. 26. *And be it enacted*, That if the said companies, after any of the said roads are completed aforesaid, shall neglect to keep the said roads in good and perfect order for the space of fifteen days, and information shall be given to any justice of the peace of the neighbourhood, within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons, to be named by the said justice in the said precept, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made and certified under the hands of himself and a majority of the said persons; and if the road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers

ads to be kept
good and per-
ct order.

quisition.

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of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts shall be put in good and perfect order and repair as aforesaid; and if the same shall not be put in good and perfect order and repair before the next county court of the said county, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the judges of the county court, who shall thereupon cause to be brought before them the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be found defective, and if the said person or persons, entrusted by the company or companies aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall fine the said person or persons, according to the nature and aggravation of the neglect, in their discretion, not exceeding one hundred dollars, for every week such place shall have been out of order and repair; and in case the said company should neglect to have the said place repaired within fifteen days after the aforesaid fine shall have been laid, then the said court shall proceed to fine the said president, managers and company, in their discretion, not exceeding two hundred dollars, for the use of the county under the direction of the levy court.

SEC. 27. *And be it enacted*, That if any person or persons whomsoever, riding in or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burthen or pleasure, riding or leading any horse, mare or gelding, or driving any hogs, sheep or cattle, shall therewith pass through any private gates or bars, or along or over any private gates or bars, or along or over any private passage way, or other ground near to or adjoining any turnpike gate erected, or which shall be erected in pursuance of this act, or heretofore erected, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken

Penalty, 1
cease at t
gates on e
side defec
place.

Justice to
copy inqu
to county

Fine.

Fine for e
payment

How recovered.

Proviso.

off, any horse, mare or gelding, or other cattle, from any wagon, or carriage of burthen or pleasure, or practise any other fraudulent means or device, with the intent that the payment of such tolls or duty may be evaded or lessened, all and every person or persons, in all, every or any of the ways or manners aforesaid offending, shall, for every such offence respectively, forfeit and pay to the said respective president, managers and company, of the road on which said fraud shall or may be practised, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any justice of the peace,* in like manner as debts of a similar amount may be sued for and recovered; *Provided always*, that if any person or persons shall be prosecuted under this section, and the said prosecution shall not be sustained on the part of the prosecutor, then and in such case the person or persons prosecuted as aforesaid shall receive from the company the sum of twenty dollars, in lieu of damages from delay and vexatious prosecution, recoverable as other fines under this act; and if any toll-gatherer shall knowingly demand and receive any greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the county in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

* See act 1831, ch. 94, post, which gives a right of appeal to county court.

Account to be kept of all money received.

SEC. 28. *And be it enacted*, That the presidents and managers of the said companies shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertakings on account of the several subscriptions, and of all penalties for delay in payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also all moneys by them expended in the prosecution of their said work, and shall, once at least in every year, submit such account to a general meet



CHARTER.—1804, ch. 51.

ing of the stockholders, until the said road or roads shall be complete, and until all the costs, charges and expenses of effecting the same, shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained, and if upon such liquidation, or when the capital stock of the said company shall be nearly expended, it shall be found that either of the said capital stocks will be insufficient to complete that respective road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase their number of shares* to such an extent as shall be deemed sufficient to accomplish the work, and receive subscriptions on original terms, and demand the money subscribed for such shares, in like manner and under like penalties as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

Right to inc
capital stock

* In May, 1812, the Reisterstown and Fredericktown roads increased their capital by a dividend of 10 per cent. in new stock. The respective roads have increased their several capitals at various times. See sec. 3, p. 6.

SEC. 29. *And be it enacted*, That the court of inspection aforesaid shall, at the end of every third year from the date of those incorporations, until two years next after the whole of either of the said roads shall be completed, lay before the general assembly an abstract of the accounts of the corporations, on the oath or affirmation of the persons entrusted by the companies respectively with keeping of the said accounts, shewing the whole amount of their capitals expended in the prosecution of either of the said works, and of the income and profits arising from the said tolls for and during the said respective periods, together with an exact account of the costs and charges of keeping the said roads in repair, and all other contingent costs and charges, so that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after either of the said roads shall be com-

Abstract of
accounts to be
before the
general assembly
the court of
inspection, at
third year
two years
completion
roads.

Company may increase tolls to raise dividends to 10 per cent.

Make triennial statements to legislature.

Court of inspection to receive and lay out surplus above 10 per cent. in purchasing out stock of roads.

General assembly may purchase out the roads—notice—terms of purchase—may thenceforward regulate tolls.

Companies to erect posts, boards and index hands, and mile-stones—distance asunder to be marked at turnpike gates.

pleted from the beginning to the end thereof, it shall appear from the average profits of the said two years, that the said clear income and profits will not bear a dividend of ten *per centum per annum* on the capital stock of the said company, so expended, then it shall and may be lawful to and for the said president, managers and company, to increase the tolls herein before allowed* so much upon each and every allowance thereof as will raise the dividends up to ten *per centum per annum*; and at the end of every three years thereafter the said companies shall, on the oath or affirmation of the persons respectively employed to keep the accounts of the said company or companies, render such like statements to the general assembly; and if at the end of any such triennial period there shall be a surplus of tolls over and above satisfying the aforesaid ten *per centum* upon all or either of the said roads, the said court of inspection shall have power, and is hereby authorized, to receive such surplus, and to employ the same in purchasing out the stock of the said roads respectively.

* By act 1831, ch. 94, sec. 2, post, companies may lower the rate of tolls at any or all the gates.

SEC. 30. *And be it enacted*, That the general assembly of Maryland may, at any period after all or either of the roads shall have been completed, one year's notice being given to the stockholders, pay all or either of the said companies the amount of the cost of the road or roads of such company or companies, with such an interest thereon as shall make it equal, with the tolls received, to ten *per centum*, from the investments of their moneys, and that thenceforward the tolls shall be subject to the regulation of the legislature.

SEC. 31. *And be it enacted*, That the said companies shall cause posts to be erected and continued at the intersection of every public road falling into, and leading out of, the said turnpike roads, with a board and index hand pointing to the direction of such roads, on both sides whereof shall be inscribed, in legible characters, the name of the town, village or place, to which such road leads, and the distance

thereof in computed miles; and the said companies shall cause mile-stones to be placed at the side of the said road or roads, beginning at the distance of one mile from the bounds of the city of Baltimore, and extending thence to the termination of each or either of the said respective roads, whereon shall be marked, in plain legible characters, the respective number of miles which each stone is distant from the city of Baltimore aforesaid; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Baltimore, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index hands or mile-stones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, or shall, without permission of the acting superintendent of the said road, throw out upon the road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one or more credible and disinterested witnesses before any justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding ten dollars, to be recovered, with costs, as debts under ten pounds are by law recoverable, which fine, when recovered, shall be paid to the treasurer of the company, for the use of the said company.

Penalty for destroying posts, boards, &c. or throwing rubbish on road—how recovered.

SEC. 32. *And be it enacted*, That all wagoners and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay the

Drivers to keep the right hand except when passing carriage of slower draught—penalty.

sum of ten dollars to any person who shall be obstructed in his passage, and will sue for the same, to be recovered, with costs, before any justice, in the same manner as debts under ten pounds are recoverable.

Persons living on or adjacent to road, and within 3 miles of any gate, to pay toll but once in 24 hours.

SEC. 33. *And be it enacted*, That it shall not be lawful for any of the said companies to ask, demand or receive, of or from any person or persons living on or adjacent to the said road, within three miles of any of the said gates or turnpikes, any toll for passing the said gate more than once in twenty-four hours.*

* See opinion of Judge Nicholson in the case of the president, managers and company of the Falls turnpike road vs. James Ellicott, post, and of court of appeals in case of Samuel Owings vs. Baltimore and Reisterstown road, post.

No toll-gate to be erected within a mile of any village.

SEC. 34. *And be it enacted*, That no toll-gate shall be erected within the distance of one mile from any of the towns or villages in this act mentioned.*

* See act 1824, ch. 105, sec. 4, post, and act 1835, ch. 881, post, by which respective companies are authorized to cede parts of roads lying within the limits of the city of Baltimore

Tolls and duties may be granted, demised or to farm let, for not more than the term of 7 years.

SEC. 35. *And be it enacted*, That either of the said presidents and managers of any of the said turnpike roads for the time being, shall and may, and they are hereby authorized and empowered, to grant, demise, and to farm let, to any person or persons with whom they can agree, the tolls and duties which they, by virtue of this act or their own by-laws, are authorized to demand and receive for passage in, upon and along, the said road, at any such gate or turnpike, over or upon the same, or any part of the same, for any term not exceeding seven years, under such rents, reservations and conditions, as the said president and managers, at any meeting of their board, shall agree upon, which grants and demises shall have the same construction, force and effect, as other like grants and demises made between private persons have and receive.

Fractional parts of roads to be licensed—mode of proceeding.

SEC. 36. *And be it enacted*, That if, by the termination of any of the said roads, it should so happen that a fractional part may remain, over and above the even ten miles, measuring from the outlines of

CHARTER.—1804, ch. 51.

the city of Baltimore aforesaid, that it shall and may be lawful for the said companies, on the same being completed agreeably to this act, to make application to the governor and council, who shall thereupon have the same examined and licensed as aforesaid, to receive tolls in the same proportions on the aforesaid fractional part of the said road as is herein before allowed to be received on other parts of the said road.

SEC. 37. *And be it enacted*, That all and every provision of this act, so far as the same relate to the Reisterstown and Yorktown roads,* shall remain suspended, and shall not be carried into execution until after the first day of January, eighteen hundred and eight; *Provided*, that the persons named in the third section of this act may, at their discretion, proceed to open books for subscriptions for said roads on the day or days therein directed, or defer to do the same until the first day of January, eighteen hundred and eight, of which determination and day or days appointed they shall give a previous notice of at least one month in the several papers therein mentioned.

Provisions
this act sus-
ed as regard
Reisterstov
and York t
pikes.

* The suspension repealed by 1805, ch. 15, as to the Baltimore and Reisterstown turnpike road; and by 1807, ch. 144, as to the Baltimore and Yorktown turnpike road.

SEC. 38. *And be it enacted*, That the levy court of Baltimore county shall continue to receive all the tolls which are or may be established on the Reisterstown and Yorktown roads under existing laws; and the several laws now in force authorizing the courts of justice to sentence criminals to labour on the public roads of Baltimore county, and the several provisions thereof, shall be in full force and operation until, by the provisions of this act, the property in the said roads shall be transferred to the respective incorporated companies as herein directed, and until provisions shall be otherwise made by law.

Levy court
receive toll
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pikes are fi
ed.

SEC. 39. *And be it enacted*, That if the first before mentioned company shall not proceed to carry on the said work within two years from the passing this act, or shall not complete the same as far as Fredericktown in six years, as far as Middletown in two years

Roads when
be begun an
completed.

Roads when to thereafter, and to Boonsborough in two years there-
be begun and after; and if the two remaining companies shall not
completed. proceed to carry on the work on their two respective
roads in five years from the passage of this law, and
shall not in five years thereafter complete the same,
then the right of the said company or companies to
such road or roads, not finished as aforesaid, shall
revert to the counties respectively.

SUPPLEMENTS

TO THE ACTS INCORPORATING THE BALTIMORE AND FREDERICKTOWN, YORK AND REISTERSTOWN TURNPIKE ROADS.

1804.—CHAPTER 101.

A Supplement to an Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes. Passed Jan 19, 1805.

WHEREAS by an act, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes, passed at the present session of assembly, a company has been incorporated for the purpose of making a turnpike road from Baltimore to Boonsborough, in Washington county, under the style and name of The Baltimore and Fredericktown Turnpike Company, and as it is deemed highly proper to extend the great and important advantages resulting from turnpikes to the citizens of the western part of the state in general; therefore,

SEC. 2. *Be it enacted, by the General Assembly of Maryland,* That the said company be authorized and empowered to extend the said turnpike road from Boonsborough to Hagerstown, and from Boonsborough to Williamsport, under the same regulations and restrictions, and entitled to the same tolls and immunities, and advantages, as they are authorized to take and receive by the act to which this is a supplement, provided a majority of the stockholders of said company shall agree to the extension of said road within two years from their first meeting, and

Preamble.

Road may be extended from Boonsborough to Hagerstown, Williamsport

provided the said extension shall be completed in twelve years from the date hereof.

In case companies do not carry on and complete roads within the time limited by former act, right &c. to revert to counties, &c.

SEC. 3. *And be it enacted*, That if either of the said companies in the said original act mentioned, shall not proceed to commence and carry on the work on said roads respectively within the time limited by said act, or shall not, within the time therein also limited to complete said roads respectively, according to the true intent and meaning of the said original act, and this supplement thereto, then and in either of those cases, all and singular the rights, liberties, privileges and franchises, by the said original act, or by this supplement, granted on, in and to, the said road, wherein such default shall have been made as aforesaid, shall revert to the respective counties through which it passes, any thing in the said original act to the contrary notwithstanding.

See ch. 51, sec. 39; see also June, 1809, ch. 2; and 1811, ch. 202, confirming the roads then located, turnpiked and licensed.

1805.—CHAPTER 15.

Passed January 25, 1806.

A Supplement to an Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes.

Preamble.

WHEREAS it is represented to this general assembly, that in pursuance of the powers vested in the commissioners of the Baltimore and Reisterstown turnpike road by the act to which this is a supplement, that they have opened subscription books, and that there has been subscribed the amount of the capital stock authorized by said act on said road, and they have petitioned that they may be permitted immediately to commence turnpiking the same; and this assembly being of opinion that their prayer is reasonable; therefore,

Part of act 1804, ch. 51, repealed as regards the time for commencing the Baltimore and Reisterstown road.

SEC. 2. *Be it enacted, by the General Assembly of Maryland*, That so much of an act, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes, as restrains the president and managers of the

SUPPLEMENTS.—1805, ch. 67.

Baltimore and Reisterstown turnpike road from commencing their work on said road until the first day of January, eighteen hundred and eight, or that is in anywise inconsistent with this act, shall be and the same is hereby repealed.

SEC. 3. *And be it enacted*, That it shall and may be lawful for the commissioners mentioned in the act to which this is a supplement,* and they are hereby required, to hold their first election for managers on the first Monday in April next, under the regulations and restrictions, and to be conducted in the same manner, prescribed in the act to which this is a supplement.

First election
of managers
when to be

* See ch. 67, sec. 3.

SEC. 4. *And be it enacted*, That the proceedings of the said commissioners, in taking the subscriptions aforesaid, be and they are hereby confirmed, and declared to be as binding on the subscribers as though they had been made on the day or days prescribed in the aforesaid act.

Proceedings
commission
confirmed.

1805.—CHAPTER 67.

A further Supplement to an Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes.

Passed Jan-
25, 1806.

WHEREAS by an act, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes, passed at the last session of assembly, a company has been incorporated for the purpose of making a turnpike road from Baltimore through Westminster, in Frederick county, under the style and name of The Baltimore and Reisterstown Turnpike Company; and as it is deemed highly proper to extend the great and important advantages resulting from turnpikes to the citizens of the western part of the state in general; therefore,

Preamble.

SEC. 2. *Be it enacted, by the General Assembly of Maryland*, That the said company be authorized and

Reisterstown
company at

SUPPLEMENTS.—1807, ch. 130.

ed to extend
the road
rough Taney-
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empowered to extend the said turnpike road from Westminster to the forks of the road where Stern's tavern now is, thence on to Taneytown, thence on to Emmittsburgh, and thence to the Pennsylvania line, under the same regulations and restrictions, and entitled to the same tolls and immunities, and *dis-*advantages, as they are authorized to take and receive by the act to which this is a supplement, provided a majority of the stockholders of said company shall agree to the extension of the said road within three years from their first meeting,* and provided the said extension shall be completed in twelve years from the date thereof.

* Time extended by 1808, ch. 50, and further extended by 1811, ch. 49.

then managers
may be chosen.
ch. 15.

SEC. 3. *And*, whereas by the act passed at the present session of assembly* it is provided, that a new election shall be held for managers of the Baltimore and Reisterstown turnpike company on the first Monday in April next, and the election being held on so late a day may much impede the operations of the company; therefore, *Be it enacted*, That it shall and may be lawful to hold the election of managers of the Baltimore and Reisterstown turnpike company on the third Monday in February next, any thing in the aforesaid act to the contrary notwithstanding.

1807.—CHAPTER 130.

passed January
1, 1808.

A further additional Supplement to the Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes.

amble.

WHEREAS the president, managers and company of the Baltimore and Fredericktown turnpike road, the president, managers, and company of the Baltimore and Reisterstown turnpike road, and the president, managers and company of the Baltimore and Yorktown turnpike road, have, by their petition to this general assembly, prayed that the following explanations and alterations be made in the charter

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 the end of the world.

SUPPLEMENTS.—1807, ch. 144.

or act of incorporation of said companies; and the prayer of their petition appearing reasonable and just; therefore,

SEC. 2. *Be it enacted, by the General Assembly of Maryland,* That all transfers of stock in said companies, executed either in person or by attorney, in the presence of the secretary of the said respective companies, shall have the same effect and validity as if such transfers had been executed in the presence of the president or treasurer of said companies respectively.*

Transfers executed in presence of secretary to have effect.

* See act of incorporation, sec. 8, p. 10.

SEC. 3. *And,* whereas in making said new roads the beds of the old roads are frequently departed from, and doubts are entertained whether the proprietors of the land through which such parts of the old roads pass are authorized in shutting up the same; therefore, *Be it enacted,* That wherever the new roads shall depart from the beds of the old roads respectively, it shall and may be lawful for the justices of the levy courts for the several counties where such departure may exist, to authorize the shutting up of such parts of the said old roads as shall be departed from by the said new roads respectively, provided the same be wished for by the parties through whose lands such parts of the said old roads may pass.†

Where new roads depart from beds of roads, the same may be shut

† See act of incorporation, sec. 11, p. 12.

1807.—CHAPTER 144.

A further Supplement to the Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes.

Passed Janua 20, 1806.

WHEREAS it is represented to this general assembly, that in pursuance of the powers vested in the commissioners of the Baltimore and Yorktown turnpike road, by the act to which this is a further supplement, that they have opened subscription books, and there has been subscribed the amount of the

Preamble.

SUPPLEMENTS.—1807, ch. 147.

capital stock authorized by said act on said road, and they have petitioned that they may be permitted immediately to commence turnpiking the same; and this assembly being of opinion that their prayer is reasonable; therefore,

of act 1804,
51, repealed,
regards the
known turn-
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SEC. 2. *Be it enacted, by the General Assembly of Maryland,* That so much of the act, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes, as restrain the president and managers of the Baltimore and Yorktown turnpike road from commencing their work on said road until the first day of January, eighteen hundred and eight, or that is anywise inconsistent with this act, shall be and is hereby repealed.

t election for
ident, &c.
n to be held.

SEC. 3. *And be it enacted,* That it shall and may be lawful for the commissioners mentioned in said act to which this is a further supplement, or a majority of them, and they are hereby required and empowered, to hold their first election for president, managers and treasurer, on the sixteenth day of January next, under the regulations and restrictions, and to be conducted in the same manner, prescribed in the act to which this is a further supplement.

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ng subscrip-
s confirmed.

SEC. 4. *And be it enacted,* That the proceedings of the said commissioners in taking the subscriptions aforesaid, be and they are hereby confirmed, and declared to be as binding on the subscribers as though they had been made on the day or days prescribed by the aforesaid act.

1807.—CHAPTER 147.

ed January
1808.

A further Supplement to the Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes.

mble.

WHEREAS it is represented to this general assembly, that the Baltimore and York turnpike road, as laid out by the commissioners of review in Baltimore county, between the Western run and the Pennsylvania line, have laid out the said road on a straight

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SUPPLEMENTS.—1808, ch. 50.

line, although it passes over extreme high rocky hills and precipices, and by varying or altering the course from one to eight perches in a few places, would lay it out on better ground, not lengthen the course, and save considerable sums of money to the corporation; therefore,

SEC. 2. *Be it enacted, by the General Assembly of Maryland,* That the president and managers of said corporation shall and they are hereby authorized and directed, to make any alteration in the York turnpike road, as confirmed by the commissioners of review, from the Western run aforesaid to the Pennsylvania line, so as the said turnpike road shall not vary from the bed or course of the road, as laid out by the commissioners of review, more than eight perches, and shall again return into the bed or course of the said road as soon as convenient; and when the said road shall be so altered and laid out, two correct plots thereof shall be made out, one to be returned to the clerk of Baltimore county, and one to the register of the city of Baltimore, to be by them recorded amongst their records.

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1808.—CHAPTER 50.

*A further additional Supplement to an Act, entitled, Passed Dec
an Act to Incorporate Companies to make several
Turnpike Roads through Baltimore County, and
for other purposes.*

Be it enacted, by the General Assembly of Maryland, That the period of time allowed to the stockholders of the Baltimore and Reisterstown turnpike company for agreeing to the extension of the road mentioned in the act passed at November session, eighteen hundred and five,* entitled, a further supplement to an act, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes, be and the same is hereby extended for the term of three years after the expiration of the period aforesaid, which is prescribed in the said act.

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Ch. 16.

Further extended for three years by 1811, ch. 49.

1808.—CHAPTER 92.

passed Dec. 24. *An Act to re-value the work done on the Baltimore and Yorktown Turnpike Road.*

sample.

WHEREAS it is represented to this general assembly, that a majority of the commissioners heretofore appointed, pursuant to law, to value the work done on the Baltimore and Yorktown turnpike road, have valued the same considerably more than it was worth; therefore,

persons to be appointed to value improvements on Yorktown turnpike.

SEC. 2. *Be it enacted, by the General Assembly of Maryland,* That the levy court of Baltimore county, at their next meeting, or so soon as may be, shall be and they are hereby authorized and directed to appoint three persons, such as they may deem suitable, due notice of which appointment, in writing, with the names of the persons appointed, shall be given to the president and managers of the said Baltimore and Yorktown turnpike road, and upon such notice being given, the said president and managers shall appoint a like number on the part of their company, within ten days after being informed as aforesaid of the appointment by the levy court, and shall immediately give notice thereof to the said persons appointed by the levy court, which six commissioners, so appointed, shall within ten days after the notice last aforesaid, meet and proceed to choose from out the next adjoining counties to the said road, three other persons, such as they may deem suitable, which nine persons, after being duly qualified before some justice of the peace, truly and impartially to estimate the value of the turnpike improvements which have been made on the said road before the same was taken by the said president and managers, shall compose a commission, neither of which shall be interested in the stock of the said road, and shall proceed to value and determine the value of the improvements on the said road, at the time the same was taken by, and delivered up to, the said president and managers, and deliver a copy of their said award, within twenty days after the day of the first meeting of said commissioners, under their respec-

SUPPLEMENTS.—1808, ch. 92.

tive hands and seals, or in case of disagreement, a majority of the said commissioners shall sign and seal the same, and deliver one such copy thereof to the clerk of the levy court of Baltimore county, and another copy to the president and managers of the said road each, provided they accept to act under such appointment, under the penalty of five hundred dollars, one-half thereof to the use of the said county, and the other half for the use of the said company, to be recovered by action of debt; and the said road shall, upon returning and filing of said award with the clerk of Baltimore county levy court, become the property of the said company at the said valuation, and no more, they first paying each commissioner, so chosen to determine the value of said road, the sum of five dollars for each day by him employed in viewing said road, and in making such valuation; and if it shall so happen that any of the said commissioners shall die, resign, or refuse to act, the justices of the levy court, or such person as they may appoint for that purpose, and the said company, shall forthwith proceed to fill up such vacancies; *Provided*, that nothing herein contained shall be construed to authorize any member of the said levy court who may own or be interested in the stock of the said turnpike company to have any voice or vote in the appointment of the said commissioners.

SEC. 3. *And be it enacted*, That upon the president of said company receiving the valuation of said commissioners, he shall issue stock to the said levy court, in the same manner as is directed by the act by which said company was incorporated. President to issue stock as directed by former act.*

* See act 1804, ch. 51, sec. 18, p. 14.

SEC. 4. *And be it enacted*, That any act or law repugnant to, or inconsistent with, the foregoing, be and the same is hereby repealed. Repeal.

JUNE, 1809.—CHAP. 2.

Passed June 9. *An Act to confirm the Location of the Turnpike Roads therein mentioned.*

A Supplement, 1811, ch. 202.

Road from Baltimore through Reisterstown confirmed.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That the road from Baltimore, through Reisterstown, to the Pennsylvania line, towards Hanoverstown, as at present located, turnpiked and licensed, be and the same is hereby confirmed.

Road from Reisterstown through Westminster confirmed.

SEC. 2. *And be it enacted,* That the road from Reisterstown, through Westminster, as at present located, turnpiked and licensed, be and the same is hereby confirmed.

Nothing in this act to affect certain suits now depending, &c.

SEC. 3. *And be it enacted,* That nothing contained in this act shall be construed to affect any suit or suits now depending against the president, managers and company of the Baltimore and Reisterstown turnpike road, their contractor or contractors, or against the president, managers and company of the Baltimore and Fredericktown turnpike road, their contractor or contractors, for any supposed trespass or trespasses committed by them in making and turnpiking the said road.

Turnpike from Baltimore through New Market, &c. confirmed.

SEC. 4. *And be it enacted,* That the turnpike road from the city of Baltimore, through New-Market, to and through Fredericktown, and from thence to and through Middletown, and from thence to Boonsborough, as at present located, turnpiked and licensed, be and the same is hereby confirmed.

From Baltimore towards Yorktown confirmed.

SEC. 5. *And be it enacted,* That the road from Baltimore towards Yorktown, to the Pennsylvania line, as at present located, turnpiked and licensed, be and the same is hereby confirmed.

 NOVEMBER, 1809.—CHAP. 124.

Passed Jan. 6, 1810. *A Supplement to an Act,* entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes.*

This act appears to be repealed by 1815, ch. 166, sec. 17.

* 1804, ch. 51. See Nov. 1812, ch. 59; Dec. 1813, ch. 171; 1815, ch. 166.



1810.—CHAPTER 141.

An Act to ascertain and provide for the Payment of Passed Dec. 2
certain Damages sustained by John Logsdon and
others, of Frederick County.

A Supplement, 1811, ch. 195. See 1804, ch. 51, p. 5.

WHEREAS, it is represented to this general assem- Preamble.
 bly, by the petition of John Logsdon, Philip Worbell,
 John Diffenbough, John Cover, John Mathias and
 Peter Erb, that they have received considerable
 damage in their property by the Baltimore and Reisterstown turnpike road being located and made through their farms, by the president and managers of said company, and pray the legislature to pass a law by which they may be compensated for the damages thus sustained; therefore,

SECTION 2. *Be it enacted, by the General Assembly* Jury may be summoned to ascertain damages sustained by them.
of Maryland, That it shall be lawful for the said
 John Logsdon, Philip Worbell, John Diffenbough,
 John Cover, John Mathias and Peter Erb, or either
 of them, to apply to a justice of the peace for Frederick county, to issue his warrant, directed to the sheriff of said county, commanding him to summon a jury of twelve disinterested persons, qualified to serve as jurors in the county court, to meet on the lands or farms of the parties aggrieved, on a certain day therein mentioned, of which day of meeting ten days notice shall be given in writing to the president of the company aforesaid, and the sheriff shall qualify the persons on oath, or affirmation, as the case may be, justly, truly and impartially, to value the damages which may have been sustained by the said John Logsdon, Philip Worbell, John Diffenbough, John Cover, John Mathias and Peter Erb, or either of them, by the location and making the Baltimore and Reisterstown turnpike road through their lands or farms, taking into consideration the advantages and disadvantages arising by making the road aforesaid, and the said jurors shall, after valuing the damage which may be sustained by the owner or owners of the lands or farms through which the aforesaid road

passes, return, under their hands and seals, to the justice who issued the warrant, one copy of their valuation in each case, one other copy to the president of the company, and one other copy to the owner or owners of the said lands, and the president of the Baltimore and Reisterstown turnpike road company shall pay; or cause to be paid, such sum in each case to the person in whose behalf such valuation shall be made, and in case of neglect or refusal by the president of said company, suit may be brought against the president of the said company by action of debt, for recovery thereof by the person entitled to receive the same.

This section was repealed by 1811, ch. 195; but that act was also repealed by November, 1812, ch. 116.

allowance to
sheriff, &c.

SEC. 3. *And be it enacted*, That the justice of the peace, and sheriff, shall be entitled to receive the same fees for services performed under this act as they are allowed in similar cases, and the persons summoned as jurors to value the damages or injury sustained as aforesaid, shall each receive one dollar for every day he shall attend in the discharge of his duty for that purpose, which fees and allowance shall be paid either by the president of the company or the person or persons named in this act, as the case may be, against whom the judgment of the jury aforesaid may be adjudged.

If jury shall be
satisfied that
road was laid
out over lands
with consent
of owners, they
shall not find
damages.

SEC. 4. *And be it enacted*, That if the president and managers of the aforesaid company shall produce to the jurors, summoned to value the damages, an instrument of writing, under the hand of either of the complainants, or such other testimony as shall satisfy them, or a majority of them, that such road was located and made over the lands or farms with the consent and approbation of the owner or owners thereof, then they shall not find any damages in the case, except for costs against such complainant or complainants.

SUPPLEMENTS.—1811, ch. 195.

1811.—CHAPTER 49.

A further additional Supplement to an Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes. Passed Dec. 2

Be it enacted, by the General Assembly of Maryland, Period extend three years, as regards the Reisterstown road agreeing to extension of said
That the period of time allowed to the stockholders of the Baltimore and Reisterstown turnpike company, for agreeing to the extension of the road mentioned in the act passed at November session, eighteen hundred and eight,* entitled, a further additional supplement to an act, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes, be and the same is hereby extended for the term of three years after the expiration of the period aforesaid, which is prescribed in the said act.

* Ch. 50, see p. 37.

1811.—CHAPTER 74.

A further Supplement to an Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes. Passed Dec. 2

See note under Nov. 1809, ch. 124, p. 40.

1811.—CHAPTER 195.

A Supplement to an Act, entitled, an Act to ascertain and provide for the Payment of certain Damages sustained by John Logsdon and others, of Frederick County.* Passed Jan. 7 1812.

This act repealed by November, 1812, ch. 116.

* 1810, ch. 141, p. 41.

1811.—CHAPTER 202.

Passed Jan. 7, 1812. *A Supplement to an Act, entitled, an Act to confirm the location of the Turnpike Roads therein mentioned, passed at June session, eighteen hundred and nine.**

* Ch. 2, p. 40. See 1804, ch. 51, p. 5.

Preamble.

WHEREAS, it is represented to this general assembly by the petition of the president, managers and company of the Baltimore and Fredericktown, the Baltimore and Reisterstown, and the Baltimore and Yorktown turnpike roads, that since the passage of the act to which this is a supplement, they have completed the whole of the said roads; therefore,

Location of the respective roads confirmed.

SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That the roads turnpiked by the Baltimore and Fredericktown, the Baltimore and Reisterstown, and the Baltimore and Yorktown turnpike road companies, severally and respectively, as at present located, turnpiked and licensed, be and the same are hereby confirmed.

 NOVEMBER, 1812.—CHAP. 59.

Passed Dec. 12. *An Act to authorize a Lottery or Lotteries to raise a sum of money to make a Turnpike Road from Fredericktown to Harper's Ferry, and for other purposes.*

A supplement, December, 1813, ch. 171.

This act appears to be repealed, and supplied by act of 1815, ch. 166, s. 17, p. 47.

 1813.—CHAPTER 171.

Passed Jan. 29, 1814. *A Supplement to an Act, entitled, an Act to authorize a Lottery or Lotteries to raise a sum of money to make a Turnpike Road from Fredericktown to Harper's Ferry, and for other purposes, passed at November session, eighteen hundred and twelve.**

* Ch. 59.

This act repealed by 1815, ch. 166, sec. 17, p. 47.

SUPPLEMENTS.—1815, ch. 125.

1815.—CHAPTER 125.

A further Supplement to an Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes. Passed Jan. 1816.

SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That the president, managers and company of the Baltimore and Frederick turnpike road, be authorized and empowered to extend the said road from Boonsborough to that point on the west bank of the Big Conococheague which the Cumberland turnpike company shall fix on, as the beginning of the said Cumberland turnpike road, under the same regulations and restrictions, except as is herein after provided, and entitled to the same tolls, immunities, privileges and advantages, as they are authorized to take and receive by the act to which this is a supplement; *Provided,* a majority of the stockholders of the said company shall agree to an extension of the said road within two years from their next annual meeting; *And provided,* the said extension shall be completed in five years thereafter. Fredericktown road may be tended to th beginning of Cumberland road.

SEC. 2. *And be it enacted,* That subscription books shall be opened by the president and managers of the Baltimore and Frederick turnpike road, or by such persons as they may appoint, and at such times and places, and under such regulations as they may direct, for a capital stock not exceeding one hundred and fifty thousand dollars, in shares of twenty dollars each, for the purpose of completing the said extension; and the said president and managers shall procure books, and enter in each as follows, to wit: 'We, whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Baltimore and Frederick turnpike road, the sum of twenty dollars for every share of stock in said company set opposite to our respective names, agreeably to an act of the state of Maryland, entitled, 'a further supplement to an act, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other pur-

Proviso that majority of stockholders agree within two years.

Books may be opened for capital \$150,000

poses,' and every person subscribing shall thereafter pay to the persons authorized to take such subscriptions, five dollars on each and every share by him or her subscribed, out of which shall be defrayed the expense attending the taking of such subscriptions, and the remainder shall be paid to the president and managers for the use of the said company; and the sums so subscribed, after deducting the five dollars paid at the time of subscribing, shall be paid to the president and managers, in such sums and at such times as they may appoint, first giving two months notice of the payments so required in two of the newspapers of the city of Baltimore, and in one of the newspapers in Fredericktown and Hagerstown.

certificates of
stock.

SEC. 3. *And be it enacted*, That the said president and managers shall procure certificates for all the shares of stock subscribed as aforesaid, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said company, to each person for every share by him or her subscribed and held, he or she having paid to the persons authorized to receive the same, twenty dollars for each share, and the said shares shall be transferable in the same manner as stock created under the act to which this is a supplement; and the said subscribers and their assignees, upon complying with the requisites of this act, shall become members of the said corporation, and shall be entitled to the same immunities and privileges as the holders of stock under the act to which this is a supplement.

defaulters.

SEC. 4. *And be it enacted*, That if any stockholder shall neglect to pay the instalments due on his shares for the space of thirty days after the time appointed by the said president and managers for the payment thereof, every such stockholder, his or their assignee, shall in addition to the payments so called for, pay at the rate of five *per cent.* per month, for delay of such payment, and if the same, and the said additional penalty, shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part on account of such share or shares, the same shall be forfeited to the

SUPPLEMENTS.—1817, ch. 8.

said company, and may and shall be sold and assigned by the president and managers of the said company to any person willing to purchase the same, for such price as can be obtained for the same, and the purchaser or purchasers aforesaid shall have all the benefit and advantage of such assignment and purchase, as if he, she or they, had been an original stockholder or stockholders.

1815.—CHAPTER 166.

An Act to Incorporate a Company to make a Turnpike Road from the Frederick and Baltimore Turnpike Road, commencing at the west end of Fredericktown, to Harper's Ferry on the Potomac River. Passed Jan. 1816.

SEC. 17. *And be it enacted*, That all laws heretofore passed vesting a power in the Baltimore and Fredericktown turnpike road company to pave the said road to Harper's Ferry, as well as to form a scheme of a lottery or lotteries, and dispose of the tickets for the aforesaid purpose, be and the same are hereby repealed.

See Nov. 1809, ch. 124, p. 40; Nov. 1812, ch. 59, p. 44.

1817.—CHAPTER 8.

An additional Supplement to an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes. Passed Dec.

Be it enacted, by the General Assembly of Maryland, That instead of the times mentioned in the original act to which this is an additional supplement, for declaring dividends, the same shall in future be declared on the first Mondays in January and July yearly hereafter.

See act 1804, ch. 51, s. 24, p. 21.

1824.—CHAPTER 105.

Passed Feb. 12, 1825. *An Act relating to the Turnpike Roads within the City of Baltimore.*

Company authorized to cede to mayor and city council of Baltimore, parts of roads within the limits of direct taxation.—p. 58. SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That the presidents, directors and companies of the several turnpike road companies, owning roads running into the city of Baltimore be, and the said presidents, directors and companies of the said turnpike road companies, are hereby authorized and empowered to cede such parts of the said roads as lie within the limits of direct taxation, to the mayor and city council of Baltimore.

Cessions, how to be made. SEC. 2. *And be it enacted,* That the said cessions shall be made by each of the said companies, severally by deed to be executed, acknowledged and recorded according to law, in the same way as deeds are required to be executed, acknowledged and recorded to pass real estate.

Parts ceded to be public streets. SEC. 3. *And be it enacted,* That whenever the said cessions, or any of them, are made according to the provisions of this act of assembly, that all such parts of the said roads so ceded as aforesaid, shall be and the same are hereby declared to be public streets and highways, and subject as such public streets and highways to the ordinances of the city.

Not required to remove toll-gates. SEC. 4. *And be it enacted,* That the said turnpike road companies shall not, nor shall any of them, be compelled to remove any of their toll-gates, in consequence of the said cessions, or any of them, any thing in any other act of assembly to the contrary thereof in any wise notwithstanding.

1828.—CHAPTER 46.

Passed Feb. 11, 1829. *An Act to enlarge the powers of the President and Managers of the Baltimore and Fredericktown Turnpike Road.*

Preamble. WHEREAS, it is represented to this general assembly, that the rail road located by the Baltimore

SUPPLEMENTS.—1831, ch. 94.

and Ohio rail road company will cross the turnpike road heretofore made by the president, managers and company of the Baltimore and Fredericktown turnpike road, in two or more places; therefore,

SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That the president and managers, for the time being, of the said Baltimore and Fredericktown turnpike road, be and they are hereby authorized, from time to time, to fix by agreement or agreements, in writing, with the president and directors of the Baltimore and Ohio rail road company, the terms, manner and conditions, on which the said rail road may cross the said turnpike road, and the said agreement or agreements shall be binding and obligatory on the president, managers and company of the Baltimore and Fredericktown turnpike road company, and upon the Baltimore and Ohio rail road company, and their several successors forever; *Provided,* such agreement or agreements be signed by the presidents of the said turnpike road company and rail road company, and sealed with the seals of the said corporations, and also be recorded within six months from the date thereof among the land records of Baltimore county.

Fredericktown turnpike company may agree with Baltimore and Ohio rail road company to cross said turnpike.

Mode of agreement.

1831.—CHAPTER 94.

A Supplement to the Act, entitled, an Act to Incorporate Companies to make several Turnpike Roads through Baltimore County, and for other purposes, passed on the twelfth day of January, eighteen hundred and five, chapter fifty-one.

Passed Feb 1832.

WHEREAS, by the twenty-seventh section of the above mentioned act, provision is made for imposing a fine not exceeding ten dollars, on any person or persons who may evade any of the toll-gates erected on any of the turnpike roads constructed by virtue of said act; which fine may be recovered before any justice of the peace, in like manner as debts of a similar amount may be sued for and recovered; *And whereas,* no provision is made by said act for granting an appeal from the decision of the justice

Preamble.

in such case, by the party who may consider himself aggrieved; therefore,

Companies authorized to appeal from the decision of the justice to the county court, in all cases arising under the 27th section of the act of incorporation, 1804, ch. 51, see p. 23.

SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That from and after the passage of this act, in all controversies that may arise under said section between any of the turnpike companies which have been incorporated in the state of Maryland, and a person or persons who may be charged with evading any turnpike gate, either party shall have the right to appeal from the decision of the justice of the peace, to the county court of the county in which the controversy may arise; and the said county courts shall take cognizance of, and determine such appeal in the same manner that they are now authorized and required to hear and determine appeals, where the debt or demand exceeds twenty shillings or one hundred pounds of tobacco, by the fourth section of the act of assembly, entitled, an act for the speedy recovery of small debts out of court, and to repeal the acts of assembly therein mentioned, passed on the twenty-ninth day of December, seventeen hundred and ninety-one, chapter sixty-eight.

Companies authorized to lower the rates of tolls at any or all of the gates.

SEC. 2. *And be it enacted,* That the president, managers and company of the Baltimore and Fredericktown turnpike road; the president, managers and company of the Boonsborough turnpike road; and the president, managers and company of the Cumberland turnpike road, or any other turnpike road company in this state, be, and they are hereby respectively authorized and empowered to lower the rate of tolls, in their discretion, at any or all of the gates on either or all of said roads, and to fix the rate of said tolls at any amount less than they are now authorized to receive by their respective charters, and to change the amount of said tolls from time to time as in their respective judgments may seem expedient; *Provided,* that said tolls shall in no case be increased beyond the rates now allowed by law.*

* See 1804, ch. 51, s. 20, p. 18, and s. 29, p. 25.

MAY, 1835.—CHAPTER 381.

A Supplement to the Act, entitled, an Act relating to Turnpike Roads in the City of Baltimore, passed at December session, eighteen hundred and twenty-four, chapter one hundred and five. Passed June 2, 1836.

SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That the provisions of the act to which this is a supplement, shall be extended to the cession of any turnpike road or part of a turnpike road, lying within the limits of the city of Baltimore, when the mayor and city council agree, or where they have agreed to accept such cession, and said turnpike road or part of a turnpike road, when ceded, shall be considered, and in all respects be subject to the same regulations as unpaved public streets, in reference to the having the same paved or repaved, and in every other respect.

Provisions of act of 1824, ch. 10 extended to the cession of any part of a turnpike road within the limits of the city of Baltimore.

Parts of roads ceded to become subject to the regulations of unpaved streets.

JUDGE NICHOLSON'S OPINION.

*The President, Managers and Com-
pany of the Falls Turnpike Road,*
vs.
James Ellicott. } *Appeal from the
judgment of a
Magistrate.*

Whether persons using the Falls Turnpike Road, are chargeable only with tolls in proportion to the distance which they have travelled on the road.

Two questions are presented for the decision of the court. The first is, whether persons using the Falls Turnpike road, are chargeable only with tolls in proportion to the distance which they have travelled on the road; or whether, having used the road only for three miles, they are chargeable with a full toll, as if they had travelled the whole extent of the road? The appellant contends for the last of these positions. It is certain, that if the former is adopted, it will be productive of very great inconvenience, not only to the company, but to travellers, who would have endless disputes with each other in apportioning the tolls. The toll-gatherer can seldom know to what extent the road has been or may be intended to be used, and, of course, must be subjected to constant imposition. If the traveller could always carry a witness with him to give evidence as to the place where he begins to use the road; yet this would not avail unless the fractional parts of every mile were ascertained and marked with a precision that would be almost impracticable. But even if these preliminaries were settled, other inconveniences very little inferior in their nature would present themselves, for the toll-gatherer must be a mathematician of no ordinary accuracy to enable him to do impartial justice, and the greater part of his time would be devoted to calculations. The legislature could not have intended so palpable an absurdity. The 12th

JUDICIAL DECISIONS.

section of the act provides, that when the road is completed to the distance of five miles from the city of Baltimore, or for any other greater distance progressively, the company may erect as many gates as they may deem necessary for the collection of their tolls; and the 13th section provides, that when the company shall have entirely perfected the road, or such parts thereof as are mentioned in the preceding section, they may collect and receive from persons using the road, a certain sum for the whole distance of the road, and a proportion of that sum for any lesser distance. The whole extent of the road is nine miles, and within these nine miles, they may erect any number of gates. The distance spoken of in the 13th section, relates to the spaces between the gates, and not to the extent which the road may be travelled. If three gates are erected at equal distances from each other, then one-third of the whole toll may be collected at each, and a person passing through one of these gates, is chargeable only with one-third of the whole toll. This construction guards against all the inconveniences which have been mentioned, for when the gates are fixed, the distances may be measured, and an easy computation will fix, permanently, the tolls to be paid at each. Five miles of this road are completed, and one gate has been erected. I am therefore of opinion, that the toll to be paid at this gate, must be equal to 5-9ths of the whole toll.

The distance spoken of in 13th section relates to the spaces between the gates, and not to the extent which the road may be travelled.

As to the second question, the 20th section declares, that persons living on, or adjacent to the road, within three miles of any of the gates, shall not be chargeable for passing through the said gate more than once in twenty-four hours. I am of opinion that this is a privilege to the estate, and not merely to the person of the owner, and although he may not reside on the estate, yet that a wagon and horses, or other property kept at, or attached to the estate, can only be charged once in twenty-four hours for passing through the gate. In this case the wagon had wheels exceeding four inches in breadth, but not exceeding seven inches, and was drawn by six horses; each horse is to be charged at 5-9ths of

Right to be charged but only in 24 hours for passing a gate is a privilege the estate, and not to the person.

Any other construction impracticable.

1-16th of a dollar; or at 3 cents $\frac{17}{1000}$ being not quite three cents and an half. The absolute impracticability of carrying the law into effect, under the construction contended for by the appellee, will appear from a statement of the account which has been made in this case. If a similar calculation was to be made according to the distance that every traveller uses the road, including the fractional parts of every mile, the toll-gatherer must necessarily be engaged constantly in calculating for every individual, and this too without any satisfactory evidence to furnish the data of the calculation.

1811. DR. *James Ellicott.*

Statement of account.

March 19,	To	passing with wagon and six horses,		
		the wheels exceeding four inches in		
		breadth, and not exceeding seven		
		inches in breadth, to be charged once		
		only in twenty-four hours, at 5-9ths		
		of $6\frac{1}{4}$ cents for each horse, equal to		
		3 cents $\frac{17}{1000}$ each, or for the whole		
		20 cts. $\frac{17}{1000}$	20	$\frac{17}{1000}$
20,	To	do. do. do.	20	$\frac{17}{1000}$
21,	To	do. do. do.	20	$\frac{17}{1000}$
22,	To	do. do. do.	20	$\frac{17}{1000}$
23,	To	do. do. do.	20	$\frac{17}{1000}$

\$1 04 $\frac{17}{1000}$

In testimony that the foregoing is a true copy from the original, filed in my office on the 12th day of October, eighteen hundred and eleven, I have hereunto set my hand, and affixed the seal of my office, this sixteenth day of October, eighteen hundred and eleven.

SEAL.

WM. GIBSON,
Clerk Baltimore County Court.

the first of the year 1711, the king
was informed that the duke of
Ormonde, who had been appointed
governor of the province of
Ulster, had died at his house in
London, on the 10th of the month
of January, after a short illness.
The king was much affected by
this news, and immediately
ordered that the duke should be
interred in the church of St. Martin
in the city of London.

The duke of Ormonde was a
man of great merit and
valour, and had been one of the
most distinguished officers of the
army. He had been married to
the daughter of the duke of
Devonshire, and had two sons
and two daughters. He was
created a peer of Great Britain
in 1703, and was afterwards
appointed governor of the
province of Ulster in 1708.

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province of Ulster in 1708.



BALTIMORE COUNTY COURT,

MARCH TERM, 1819.

<p><i>Thomas Burford,</i> vs. <i>The Falls Turnpike Road Company.</i></p>	}	<p><i>Appeal from the judgment of John S. Abell, Esq. for \$31 12½ debt, and 64 cents costs, March 1819; appear- ance 21st day of May, 1819.</i></p>
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Judgment of magistrate, affirmed.

Costs in Baltimore county court, \$5 15.

Satisfied, order filed 13th July, 1819.

(Signed,) Test, WM. GIBSON, *Clerk.*

This case was a warrant for the purpose of recovering back certain tolls demanded by the gate-keeper on the Falls Turnpike road, and which Burford had paid, upon the ground that he only travelled a small part of the distance between the two gates, and was charged toll for the whole distance. The magistrate non-suited Burford, and he appealed to the court, and upon the trial of the cause and argument by counsel, the court affirmed the judgment, upon the ground that under the law, a gate-keeper could not take notice how far a party had used the road, but was entitled to charge the whole distance for which the gate was erected to take, and in all respects confirmed the construction given to this section of the law, by Judge Nicholson. The construction of the thirty-third section, was not involved in the decision.

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WALTER DORSEY, *Ch. J.*

CHARLES W. HANSON,

WM. H. WARD.

In testimony that the foregoing is a true copy from the original, filed in my office, I have hereto set my hand, and affixed the seal of my office, this twentieth day of April, eighteen hundred and twenty.

SEAL

(Signed,) WM. GIBSON,
Clerk Baltimore County Court.

COURT OF APPEALS,

JUNE TERM, 1820.

Owings

vs.

*The Baltimore and Reisterstown
Turnpike Road Company.*

} *Appeal from Balti-
more County Court.*

The 33d sec. of the act of 1804, ch. 51, incorporating several turnpike road companies, applies only to those persons who reside on premises which lie on and touch the road, and are within three miles of a turnpike gate.

It was an action of *assumpsit* for money paid, laid out and expended, and for money had and received, brought by the appellant against the appellees. The following case was submitted to the county court for their opinion, viz: that the plaintiff, (now appellant,) resides on a tract of land situated within three miles of the turnpike gate, No. 2, of the *Baltimore and Reisterstown Turnpike road*, but that no part of the said tract runs with, binds on, or touches the said road. That at many periods between the 10th of February, 1814, and the 10th of February, 1816, the plaintiff passed the said turnpike gate oftener than once in twenty-four hours, always paying, the first time of so passing, the accustomed toll. That on coming the second time to the said gate, during the same twenty-four hours, which often occurred, the plaintiff invariably protested against the demand made of toll from him by the gate-keeper, he, the plaintiff, alleging that he was exempted from a second payment of toll on the same day, by virtue of the *thirty-third* section of the act of 1804, ch. 51, entitled, 'an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes,'* inasmuch as he resided within three miles of said gate, and adjacent to the said road; notwithstanding which, the defendants persisted in their demands, and would not at any time permit the plaintiff to pass oftener than once during the space of twenty-four hours, until he had paid toll for every time of so passing; by means of which

* By this section, no toll is to be demanded from any person 'living on or adjacent to the said road, within three miles of any of the said gates or turnpikes,' for passing the said gate more than once in twenty-four hours.

JUDICIAL DECISIONS.

the plaintiff has paid to the defendants in amount \$200 for so passing, in a variety of instances, a second time, and oftener, during the same twenty-four hours between the periods herein first stated, viz: the 10th of February, 1814, and 10th of February, 1816; for the recovery back of which money, so paid as aforesaid, the present action is instituted. On this statement the only question for decision was, whether a person residing at a spot any where within three miles of a turnpike gate, no matter how near thereto, whose land does not in any part thereof actually touch the road, can pass the gate as often as he pleases during the space of twenty-four hours, by paying toll once only during that period of time, by virtue of the *thirty-third* section of the said act. Persons living within a circle of three miles from any gate have not the benefit of the 33d section of the act of 1814. The county court gave judgment for the defendants, and the plaintiff appealed to the court.

The case was argued at this term, before BUCHANAN, EARLE, JOHNSON and DORSEY, J. by Hoffman, for the appellant,* and Winder and Harper, for the appellees.

BUCHANAN, J. delivered the opinion of the court.

In this case, which depends entirely on the *thirty-third* section of the act of 1804, ch. 51, incorporating several turnpike road companies, the court see no reason for doubt.

The privilege accorded by that section to persons residing on or adjacent to the turnpike road, within three miles of any turnpike gate, by paying once in twenty-four hours, must be confined to persons who reside on premises which lie on and touch the road within three miles of the gate, and cannot be extended, as contended for by the appellant, to those who reside any where within a circle of three miles round the gate, whether they reside on premises which touch the road or not. That section exempts from paying toll but once a day, persons only who reside on premises which on and touch the road within three miles of any gate.

JUDGMENT AFFIRMED.

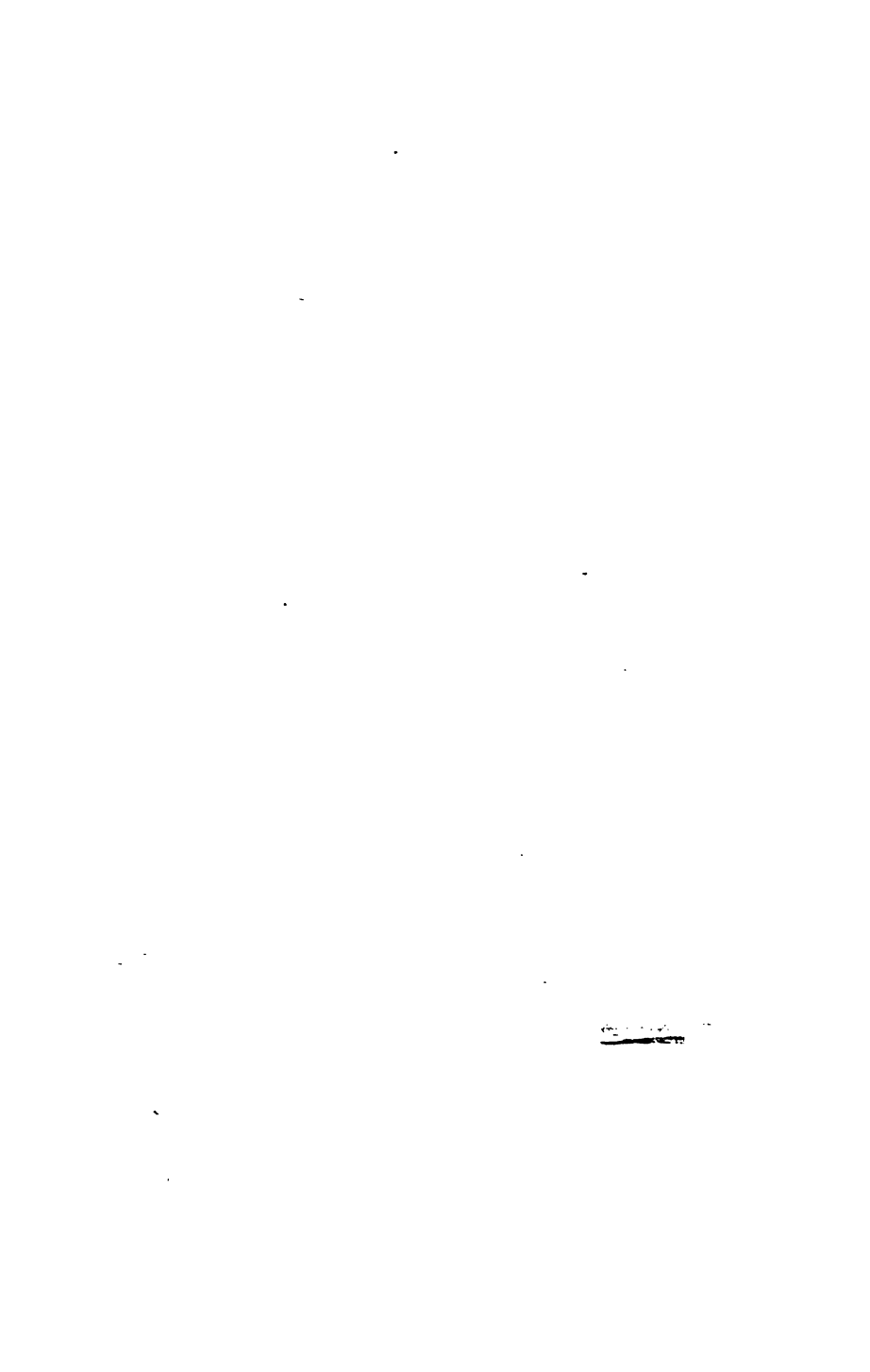
* He cited *Rees vs. Abbott*, Cowp. 832. *Wright vs. Kemp*, 3 T. R. 473. *Barker vs. Sureties*, 2 Stra. 1175; and *Farmingham vs. Brand*, 3 Atk. 390.

CESSION OF PARTS OF ROADS
TO THE
MAYOR AND CITY COUNCIL OF BALTIMORE.

*President, Managers and Company of the Baltimore
and Fredericktown Turnpike Road deed to Mayor
and City Council of Baltimore.*

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THIS INDENTURE, made this eighth day of September, in the year of our Lord one thousand eight hundred and twenty-five, between the President, Managers and Company of the Baltimore and Fredericktown turnpike road of the one part, and the Mayor and City Council of Baltimore, of the other part, witnesseth; whereas, by an act of the general assembly of Maryland, made and passed at a session thereof begun and held at the city of Annapolis, on Monday, the sixth day of December, in the year of our Lord one thousand eight hundred and twenty-four, entitled, an act relating to the turnpike roads within the city of Baltimore, it was amongst other things enacted, that the presidents, directors and companies of the several turnpike road companies, owning roads running into the city of Baltimore, should be, and the said presidents, directors and companies of the said turnpike road companies, were thereby authorized and empowered to cede such parts of the said roads as lie within the limits of direct taxation, to the mayor and city council of Baltimore; and it was also enacted, that whenever the said cessions, or any of them, should be made according to the provisions of the said act of assembly, that all such parts of the said roads, then ceded, should be, and the same were thereby declared to be public streets and highways, and subject as such public streets and highways to the ordinances of the city, and it was also enacted, that the said turnpike road companies should not, nor should any of them be compelled to remove any of their toll-gates in



CESSION OF PARTS OF ROADS.

consequence of the said cessions, or any of them, any thing in any other act of assembly to the contrary thereof in any wise notwithstanding; and whereas, the president, managers and company of the Baltimore and Fredericktown turnpike road are willing to cede to the mayor and city council of Baltimore, all such part of the Baltimore and Fredericktown turnpike road as lie within the limits of direct taxation, as ascertained and marked out according to the provisions of an act of the general assembly of Maryland, made and passed at a session thereof begun and held at the city of Annapolis, on Monday, the first day of December, in the year of our Lord one thousand eight hundred and seventeen, entitled, an act relating to the city of Baltimore, and for the better making of the said cession, the president, managers and company of the Baltimore and Fredericktown turnpike road, have agreed to execute these presents. Now this indenture witnesseth, that in pursuance of the said acts of assembly, and in consideration of the sum of five dollars, current money, to the president, managers and company of the Baltimore and Fredericktown turnpike road, paid by the mayor and city council of Baltimore, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, the president, managers and company of the Baltimore and Fredericktown turnpike road, have given, granted, bargained, sold, ceded, aliened, enfeoffed and confirmed, and by these presents do give, grant, bargain, sell, cede, alien, enfeoff and confirm unto the mayor and city council of Baltimore, their successors and assigns, all that part of the Baltimore and Fredericktown turnpike road which lies within the limits of direct taxation, as ascertained and marked out according to the provisions of the act of assembly herein before mentioned, together with all and singular the ways, rights, liberties, privileges, hereditaments and appurtenances whatsoever, thereunto belonging, or in any wise appertaining, and the reversions and remainders thereof, and all the estate, right, title, and interest whatsoever, of the president, managers and company

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of the Baltimore and Fredericktown turnpike road, both at law and in equity, of, in, to and out of the part of the Baltimore and Fredericktown turnpike road and premises, herein before mentioned, and hereby bargained, sold and ceded, or meant, mentioned and intended hereby so to be, and every or any part and parcel thereof. To have and to hold the said part of the Baltimore and Fredericktown turnpike road herein before mentioned, together with the appurtenances, and all and singular other the premises hereby bargained, sold and ceded, or meant, mentioned or intended hereby so to be, and every part and parcel thereof, with their and every of their appurtenances, unto the mayor and city council of Baltimore aforesaid, and their successors and assigns, to and for the uses, intents, and purposes, expressed and contained in the said act of assembly first herein before mentioned, and to and for no other use, intent, or purpose whatsoever, subject nevertheless to the right of the president, managers and company of the Baltimore and Fredericktown turnpike road to keep and maintain their toll-gates according to the provision of the said act of assembly, and the president, managers and company of the Baltimore and Fredericktown turnpike road do hereby constitute and appoint William Wetherall and T. Parkin Scott, of the city of Baltimore, in Baltimore county and state of Maryland, jointly and severally, their attorney and attorneys, authorizing them, or either of them, to acknowledge this deed, for and as the act and deed of the president, managers and company of the Baltimore and Fredericktown turnpike road, before any court, judge or justice, in the state of Maryland, according to the laws of the said state in such case made and provided.

In witness whereof, the president, managers and company of the Baltimore and Fredericktown turnpike road, have caused these presents to be signed by their president, and their corporate seal to be hereunto affixed, the day and year first herein before written.

SEAL

WM. LORMAN, *Pres't.*

CESSION OF PARTS OF ROADS.

Signed, sealed, and delivered in the presence of (the words 'and ceded' being first interlined in the twenty-first and twenty-sixth lines of second page, and the word 'and' before sold, stricken out.)

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council of
timore.

R. MICKLE,

JONA. PINKNEY, JR.

City of Baltimore, sct. Be it remembered, that on this eighth day of September, in the year of our Lord one thousand eight hundred and twenty-five, personally appears R. Mickle, before me the subscriber, a justice of the peace of the state of Maryland, in and for the city aforesaid, and on his solemn oath taken on the Holy Evangely of Almighty God, deposeth and saith, that he was present and did see William Lorman, Esquire, president of the Baltimore and Fredericktown turnpike road company, sign the above letter of attorney and affix the corporate seal of the said company thereto, and as the act and deed of the president, managers and company of the Baltimore and Fredericktown turnpike road, duly execute and deliver the said letter of attorney, to and in favour of William Wetherall and T. Parkin Scott, of the city, county and state aforesaid, for the uses, intents and purposes therein expressed and set forth, and that at the time of the execution thereof this deponent and one Jonathan Pinkney, Jr. did set and subscribe their names as witness thereto, in manner as thereby appears. Sworn before,

FIELDER ISRAEL.

City of Baltimore, sct. Be it remembered, that on this eighth day of September, in the year of our Lord one thousand eight hundred and twenty-five, before us the subscribers, two of the justices of the peace of the state of Maryland, in and for the city of Baltimore, personally appears T. Parkin Scott, named in the foregoing and annexed power of attorney, the execution whereof hath been duly proven, and by virtue and in pursuance of the authority thereby given, doth acknowledge the foregoing deed, or instrument of writing, to be the act and deed of the president, managers and company of Baltimore and Fredericktown turnpike road ac-

CESSION OF PARTS OF ROADS.

Cession of part
of Fredericktown
turnpike road to
mayor and city
council of Bal-
timore.

cording to the true intent and meaning thereof, and of the acts of assembly, in such case made and provided. Acknowledged before,

FIELDER ISRAEL,
JOHN F. HARRIS.

I have examined this deed, which has been in my opinion, prepared and executed with proper legal accuracy. *Baltimore, September 8, 1825.*

JOHN SCOTT, Counsel and Attorney for the Mayor and City Council of Baltimore.

Received to be recorded the 19th day of November, 1825, same day recorded and examined.

Per WM. GIBSON, *Clerk.*

In testimony that the foregoing is a true copy taken from liber W. G. No. 178, folio 370, &c. one of the Land Records of Baltimore County Court, I hereto set my hand and affix the seal of said County Court, this twenty-first day of January, eighteen hundred and forty-one.

SEAL.

THOS. KELL, *Clerk.*

President, Managers and Company of the Baltimore and Yorktown Turnpike Road deed to Mayor and City Council of Baltimore.

Cession of part
of Yorktown
turnpike road to
mayor and city
council of Bal-
timore.

THIS INDENTURE, made this eighth day of September, in the year of our Lord one thousand eight hundred and twenty-five, between the President, Managers and Company of the Baltimore and Yorktown turnpike road of the one part, and the Mayor and City Council of Baltimore, of the other part, witnesseth; whereas, by an act of the general assembly of Maryland, made and passed at a session thereof begun and held at the city of Annapolis, on Monday, the sixth day of December, in the year of our Lord one thousand eight hundred and twenty-four, entitled, an act relating to the turnpike roads within the city of Baltimore, it was amongst other things enacted, that the president, directors and companies of the several turnpike road companies

CESSION OF PARTS OF ROADS.

owning roads running into the city of Baltimore, should be, and the said presidents, directors and companies of the said turnpike road companies, were thereby authorized and empowered to cede such parts of the said roads as lie within the limits of direct taxation, to the mayor and city council of Baltimore; and it was also enacted, that whenever the said cessions, or any of them, should be made according to the provisions of the said act of assembly, that all such parts of the said roads, then ceded, should be, and the same were thereby declared to be public streets and highways, and subject as such public streets and highways to the ordinances of the city; and it was also enacted, that the said turnpike road companies should not, nor should any of them, be compelled to remove any of their toll-gates in consequence of the said cessions, or any of them, any thing in any other act of assembly to the contrary thereof in any wise notwithstanding; and whereas, the president, managers and company of the Baltimore and Yorktown turnpike road, are willing to cede to the mayor and city council of Baltimore, all such part of the Baltimore and Yorktown turnpike road, as lies within the limits of direct taxation, as ascertained and marked out according to the provisions of an act of the general assembly of Maryland, made and passed at a session thereof, begun and held at the city of Annapolis, on Monday, the first day of December, in the year of our Lord one thousand eight hundred and seventeen, entitled, an act relating to the city of Baltimore; and for the better making of the said cession, the president, managers and company of the Baltimore and Yorktown turnpike road have agreed to execute these presents. Now this indenture witnesseth, that in pursuance of the said acts of assembly, and in consideration of the sum of five dollars, current money, to the president, managers and company of the Baltimore and Yorktown turnpike road, paid by the mayor and city council of Baltimore, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, the president, managers and company of the Baltimore and York-

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town turnpike road, have given, granted, bargained, sold, ceded, aliened, enfeoffed and confirmed, and by these presents do give, grant, bargain, sell, cede, alien, enfeoff and confirm unto the mayor and city council of Baltimore, their successors and assigns, all that part of the Baltimore and Yorktown turnpike road, which lies within the limits of direct taxation, as ascertained and marked out according to the provisions of the act of assembly herein before mentioned, together with all and singular, the ways, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders thereof, and all the estate, right, title, and interest whatsoever, of the president, managers and company of the Baltimore and Yorktown turnpike road, both at law and in equity, of, in, to and out of the part of the Baltimore and Yorktown turnpike road and premises, herein before mentioned, and hereby bargained, sold and ceded, or meant, mentioned, or intended hereby so to be, and every or any part and parcel thereof. To have and to hold the said part of the Baltimore and Yorktown turnpike road herein before mentioned, together with the appurtenances, and all and singular other the premises hereby bargained, sold and ceded, or meant, mentioned, or intended hereby so to be, and every part and parcel thereof, with their and every of their appurtenances, unto the mayor and city council of Baltimore aforesaid, their successors and assigns, to and for the uses, intents and purposes, expressed and contained in the said act of assembly, first herein before mentioned, and to and for no other use, intent or purpose whatsoever; subject, nevertheless, to the right of the president, managers and company of the Baltimore and Yorktown turnpike road, to keep and maintain their toll-gates, according to the provisions of the said act of assembly; and the president, managers and company of the Baltimore and Yorktown turnpike road, do hereby constitute and appoint John Scott and Thomas Parkin Scott, of the city of Baltimore, in Baltimore county and state of Maryland, jointly and severally, their attorney and attor-

RECHENKUNST DER ALGEBRA

Die Algebra ist eine Wissenschaft, die sich mit den Eigenschaften und den Operationen der Zahlen beschäftigt. Sie ist eine der ältesten Wissenschaften, die es gibt, und hat sich im Laufe der Jahrhunderte immer weiter entwickelt. In der Algebra lernen wir, wie wir mit Zahlen umgehen können, und wir lernen, wie wir Probleme lösen können, die mit Zahlen zu tun haben. Die Algebra ist eine wichtige Wissenschaft, die in vielen Bereichen der Mathematik und in vielen anderen Bereichen der Wissenschaften eine wichtige Rolle spielt. In der Algebra lernen wir, wie wir mit Zahlen umgehen können, und wir lernen, wie wir Probleme lösen können, die mit Zahlen zu tun haben. Die Algebra ist eine wichtige Wissenschaft, die in vielen Bereichen der Mathematik und in vielen anderen Bereichen der Wissenschaften eine wichtige Rolle spielt.

Rechenkunst
der Algebra
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CESSION OF PARTS OF ROADS.

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of the Baltimore and Fredericktown turnpike road, both at law and in equity, of, in, to and out of the part of the Baltimore and Fredericktown turnpike road and premises, herein before mentioned, and hereby bargained, sold and ceded, or meant, mentioned and intended hereby so to be, and every or any part and parcel thereof. To have and to hold the said part of the Baltimore and Fredericktown turnpike road herein before mentioned, together with the appurtenances, and all and singular other the premises hereby bargained, sold and ceded, or meant, mentioned or intended hereby so to be, and every part and parcel thereof, with their and every of their appurtenances, unto the mayor and city council of Baltimore aforesaid, and their successors and assigns, to and for the uses, intents, and purposes, expressed and contained in the said act of assembly first herein before mentioned, and to and for no other use, intent, or purpose whatsoever, subject nevertheless to the right of the president, managers and company of the Baltimore and Fredericktown turnpike road to keep and maintain their toll-gates according to the provision of the said act of assembly, and the president, managers and company of the Baltimore and Fredericktown turnpike road do hereby constitute and appoint William Wetherall and T. Parkin Scott, of the city of Baltimore, in Baltimore county and state of Maryland, jointly and severally, their attorney and attorneys, authorizing them, or either of them, to acknowledge this deed, for and as the act and deed of the president, managers and company of the Baltimore and Fredericktown turnpike road, before any court, judge or justice, in the state of Maryland, according to the laws of the said state in such case made and provided.

In witness whereof, the president, managers and company of the Baltimore and Fredericktown turnpike road, have caused these presents to be signed by their president, and their corporate seal to be hereunto affixed, the day and year first herein before written.

* SEAL *

WM. LORMAN, *Pres't.*

CESSION OF PARTS OF ROADS.

Cession of part
of Yorktown
turnpike road to
mayor and city
council of Bal-
timore.

City of Baltimore, sct. Be it remembered, that on this eighth day of September, in the year of our Lord one thousand eight hundred and twenty-five, before us the subscribers, two of the justices of the peace of the state of Maryland, in and for the city of Baltimore, personally appears Thomas Parkin Scott, named in the foregoing and annexed letter of attorney, the execution whereof hath been duly proven, and by virtue and in pursuance of the authority thereby given, doth acknowledge the foregoing deed or instrument of writing, to be the act and deed of the president, managers and company of the Baltimore and Yorktown turnpike road, according to the true intent and meaning thereof, and of the acts of assembly in such case made and provided. Acknowledged before,

FIELDER ISRAEL,
JOSEPH J. OGDEN.

I have examined this deed, which has been in my opinion, prepared and executed with proper legal accuracy. *Baltimore, September 8, 1825.*

JOHN SCOTT, Counsel and Attorney for the Mayor and City Council of Baltimore.

Received to be recorded the 19th day of November, 1825, same day recorded and examined.

Per WM. GIBSON, *Clerk.*

In testimony that the foregoing is a true copy taken from liber W. G. No. 178, folio 366, &c. one of the Land Records of Baltimore County Court, I hereto set my hand and affix the seal of said County Court, this twentieth day of January, eighteen hundred and forty-one.

SEAL

THOS. KELL, *Clerk.*

CESSION OF PARTS OF ROADS.

1

President, Managers and Company of the Baltimore and Reisterstown Turnpike Road deed to Mayor and City Council of Baltimore.

THIS INDENTURE, made this eighth day of October, in the year of our Lord one thousand eight hundred and twenty-five, between the President, Managers and Company of the Baltimore and Reisterstown turnpike road, of the one part, and the Mayor and City Council of Baltimore, of the other part, witnesseth; whereas, by an act of the general assembly of Maryland, made and passed at a session thereof begun and held at the city of Annapolis, on Monday, the sixth day of December, in the year of our Lord one thousand eight hundred and twenty-four, entitled, an act relating to the turnpike roads within the city of Baltimore, it was amongst other things enacted, that the presidents, directors and companies of the several turnpike road companies owning roads running into the city of Baltimore, should be, and the said presidents, managers and companies of the said turnpike road companies, were thereby authorized and empowered to cede such parts of the said roads as lie within the limits of direct taxation, to the mayor and city council of Baltimore; and it was also enacted, that whenever the said cessions, or any of them, should be made according to the provisions of the said act of assembly, that all such parts of the said roads, then ceded, should be, and the same were thereby declared to be public streets and highways, and subject as such public streets and highways, to the ordinances of the city; and it was also enacted, that the said turnpike road companies should not, nor should any of them be compelled to remove any of their toll-gates, in consequence of the said cessions, or any of them, any thing in any other acts of assembly to the contrary thereof in any wise notwithstanding; and whereas, the president, managers and company of the Baltimore and Reisterstown turnpike road are willing to cede to the mayor and city council of Baltimore, all such part of the Baltimore and Reisterstown turnpike road as lies within the limits of

Cession of part
of Reisterstown
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mayor and city
council of Baltimore.

CESSION OF PARTS OF ROADS.

cession of part
Reisterstown
turnpike road to
mayor and city
council of Bal-
timore.

direct taxation, as ascertained and marked out according to the provisions of an act of the general assembly aforesaid, made and passed at a session thereof begun and held at the city of Annapolis, on Monday, the first day of December, in the year of our Lord one thousand eight hundred and seventeen, entitled, an act relating to the city of Baltimore, and for the better making of the said cession, the president, managers and company of the Baltimore and Reisterstown turnpike road have agreed to execute these presents. Now this indenture witnesseth, that in pursuance of the said acts of assembly, and in consideration of the sum of five dollars, current money, to the president, managers and company of the Baltimore and Reisterstown turnpike road, paid by the mayor and city council of Baltimore, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, the president, managers and company of the Baltimore and Reisterstown turnpike road, have given, granted, bargained, sold, ceded, aliened, enfeoffed and confirmed, and by these presents do give, grant, bargain, sell, cede, alien, enfeoff and confirm unto the mayor and city council of Baltimore, their successors and assigns, all that part of the Baltimore and Reisterstown turnpike road which lies within the limits of direct taxation, as ascertained and marked out according to the provisions of the act of assembly herein before mentioned, together with all and singular, the ways, rights, liberties, privileges, hereditaments, and appurtenances whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders thereof; and all the estate, right, title, and interest whatsoever of the president, managers and company of the Baltimore and Reisterstown turnpike road, both at law and in equity, of, in, to and out of the part of the Baltimore and Reisterstown turnpike road and premises, herein before mentioned, and hereby bargained, sold and ceded, or meant, mentioned or intended hereby so to be, and every part and parcel thereof, reserving nevertheless, expressly, and as a condition of the cession and transfer hereby made, the full and undi-

CESSION OF PARTS OF ROADS.

minished right of the president, managers and company of the Baltimore and Reisterstown turnpike road, to receive all and singular, the tolls which they are and would have been entitled to receive, if the said cession had not been made. To have and to hold the said part of the Baltimore and Reisterstown turnpike road herein before mentioned, together with the appurtenances, and all and singular other the premises hereby bargained, sold and ceded, or meant, mentioned or intended hereby so to be, and every part and parcel thereof, with their and every of their appurtenances, unto the mayor and city council of Baltimore aforesaid, their successors and assigns, to and for the uses, intents and purposes, expressed and contained in the said act of assembly, first herein before mentioned, and to and for no other use, intent, or purpose whatsoever, subject, nevertheless, to the right of receiving tolls, reserved as above mentioned; and also to the right of the president, managers and company aforesaid, to keep and maintain their toll-gates, according to the provisions of the said acts of assembly; and the president, managers and company of the Baltimore and Reisterstown turnpike road, do hereby constitute and appoint Francis J. Dallam and Alcæus B. Wolfe, of the city of Baltimore, in Baltimore county and state of Maryland, jointly and severally, their attorney and attorneys, authorizing them, or either of them, to acknowledge this deed, for and as the act and deed of the president, managers and company of the Baltimore and Reisterstown turnpike road, before any court, judge or justices in the state of Maryland, according to the laws of the said state, in such case made and provided.

In witness whereof, the president, managers and company of the Baltimore and Reisterstown turnpike road have caused these presents to be signed by their president, and their corporate seal to be hereunto affixed, the day and year first herein before written.

 SEAL

GEORGE DECKER,
President of the Baltimore and Reisterstown Road Co.

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CESSION OF PARTS OF ROADS.

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Reisterstown
turnpike road to
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Council of Bal-
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Signed, sealed and delivered in the presence of (the word 'right' being first interlined, in the twenty-first line of second page.) JNO. STOUFFER,

T. PARKIN SCOTT.

City of Baltimore, sct. Be it remembered, that on this eighth day of October, in the year of our Lord one thousand eight hundred and twenty-five, personally appears Thomas Parkin Scott, before me the subscriber, a justice of the peace of the state of Maryland, in and for the city aforesaid, and on his solemn oath, taken on the Holy Evangely of Almighty God, depose and saith, that he was present and did see George Decker, Esquire, president of the Baltimore and Reisterstown turnpike road company, sign the above letter of attorney, and affix the corporate seal of the said company thereto, and as the act and deed of the president, managers and company of the Baltimore and Reisterstown turnpike road, duly execute and deliver the said letter of attorney, to and in favour of Francis J. Dallam and Alcæus B. Wolfe, of the city of Baltimore, in Baltimore county and state aforesaid, for the uses, intents and purposes, therein expressed and set forth; and that at the time of the execution thereof, he, this deponent, and one John Stouffer, did set and subscribe their names as witnesses thereto, in manner as thereby appears.

Sworn to before,

DAVID B. FERGUSON.

City of Baltimore, sct. Be it remembered, that on this tenth day of October, in the year of our Lord one thousand eight hundred and twenty-five, personally appears Alcæus B. Wolfe, named in the foregoing and annexed letter of attorney, the execution whereof hath been duly proven, and by virtue and in pursuance of the authority thereby given, doth acknowledge the foregoing deed or instrument of writing, to be the act and deed of the president, managers and company of the Baltimore and Reisterstown turnpike road, according to the true intent and meaning thereof, and of the acts of assembly in such case made and provided.

Acknowledged before,

FIELDER ISRAEL,
JOHN F. HARRIS.

THE HISTORY OF THE
CITY OF LONDON
FROM THE FOUNDATION OF THE CITY
TO THE PRESENT TIME
BY JOHN STOW.
LONDON, Printed by I. B. for I. W. and J. N. 1633.

THE HISTORY OF THE
CITY OF LONDON
FROM THE FOUNDATION OF THE CITY
TO THE PRESENT TIME
BY JOHN STOW.
LONDON, Printed by I. B. for I. W. and J. N. 1633.

I have examined this deed, and consider it in sufficient legal form. JOHN SCOTT, *Counsel.*

Approved, J. MONTGOMERY, *Mayor.*

Received to be recorded the 19th day of November, 1825, same day recorded and examined.

WM. GIBSON, *Clerk.*

In testimony that the foregoing is a true copy taken from liber W. G. No. 178, folio 363, &c. one of the Land Records of Baltimore County Court, I hereto set my hand and affix the seal of Baltimore County Court, this 20th day of January, A. D. 1841.

SEAL.

THOS. KELL, *Clerk.*

Cession of part
of Reisterstown
turnpike road to
mayor and city
council of Bal-
timore.

CUMBERLAND TURNPIKE ROAD.

1812.—CHAPTER 79.

An Act to Incorporate a Company to make a Turnpike Road leading to Cumberland, and for the extension of the Charters of the several Banks in this State, and for other purposes.

This act was substituted by 1813, ch. 122.

Supplements to this act are acts 1813, ch. 122; 1814, ch. 76; 1815, ch. 115, ch. 167; 1816, ch. 99, ch. 153; 1818, resolution No. 34; 1820, ch. 47; 1821, ch. 216; 1835, ch. 186.

1813.—CHAPTER 122.

A Supplement to the Act, entitled, 'an Act to Incorporate a Company to make a Turnpike Road leading to Cumberland, and for the extension of the Charters of the several Banks in the City of Baltimore, and for other purposes.'*

* Act 1812, ch. 79.

Presidents and directors of the several incorporated banks, incorporated to make a turnpike road.

Name and style of turnpike road.

SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That the president and directors, for the time being, of the several incorporate banks in the city of Baltimore, the president and directors, for the time being, of the Hagerstown Bank, of the Conococheague Bank, and of the Cumberland Bank of Allegany, be, and they are hereby incorporated and constituted a body politic, by the name of 'The President, Managers and Company of the Cumberland Turnpike Road,' and by the same name, the said presidents and directors of the aforesaid banks, and their successors, shall have succession for the



purpose of surveying, locating and making a turnpike road, commencing at some point to be hereafter determined by the said company, on the west bank of Big Conococheague, passing thence to Hancock, and thence to the town of Cumberland in Allegany county, by the nearest practicable route; which said company shall be, and hereby are clothed and invested, as respects the said road, with all and singular the rights, privileges, immunities and advantages held, used and possessed by the several turnpike companies incorporated by an act of assembly, passed at November session, eighteen hundred and four, chapter fifty-one, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes, and shall be entitled to the same tolls, be governed by the same regulations, and be liable to the same fines, penalties and restrictions as the said companies now by law are; and shall elect their president, managers and other officers, in the same manner and at the same time, that the president, managers and company of the Baltimore and Fredericktown turnpike road are by law required so to do.*

Commencement and route of road.

Rights, privileges and immunities—see p. 5.

Rates of toll, regulations, fines, penalties and restrictions—see pp. 5, 19, 21, 23.

Election of managers—see p. 8.

* See acts 1815, ch. 115; 1921, ch. 216, post.

SEC. 2. *And*, for the purpose of raising a fund to make and complete said road; *Be it enacted*, That the charters of the several banks now incorporated in the city of Baltimore, in Washington county and in Allegany county, shall be, and they are hereby continued and extended to the first day of January, eighteen hundred and thirty-five, and to the end of the session of the general assembly next thereafter, upon condition of the said several banks subscribing, in proportion to their respective capitals actually paid in at the time of such subscriptions, for as much stock as is necessary and sufficient to finish and complete said road as herein after directed, and in case any of the said banks shall augment their capital after such subscription, the president and directors of such bank are hereby required (and upon this condition is the charter of such bank renewed) to subscribe for so much stock in said company as

Charters of certain banks extended upon condition of subscribing to an amount of stock proportionate to their capitals.

the quota of such bank with its capital so augmented would have been, had such augmentation existed at the time of the original subscription for the stock of said road company, and the sum or sums of money paid on such increased stock in case the road shall have been completed, shall be distributed among the several stockholders in proportion to the amount of stock by them respectively held.*

* See act 1821, ch. 216, post.

Subscription
books to be
opened.

SEC. 3. *And be it enacted*, That the presidents of such of the aforesaid banks, or a majority of them, as determine to accept of the terms and reap of the benefits proposed to them by the provisions of this act, be and they are hereby authorized and directed, to cause books to be opened in the city of Baltimore for the purpose of receiving subscriptions for said stock, and to do all other matters and things necessary to carry the provisions of this act into effect, until the managers of said company are chosen in the manner herein after provided for.*

* See act 1815, ch. 115, post.

Managers, how
to be chosen.

SEC. 4. *And be it enacted*, That as soon as the stock aforesaid shall have been subscribed, the president and directors of each of the said banks so subscribing, shall choose one manager out of the stockholders in their respective banks for every twenty-five thousand dollars of road stock by them subscribed, reserving however to each of the said banks the choice of one manager, although its quota of stock may not amount to that sum; which said managers shall assemble and choose from among themselves a president, and shall elect a treasurer, and other necessary agents and officers, and the said president, managers and treasurer shall, in all things, act as such until a president, managers and treasurer are elected in the month of October next thereafter, as provided for by the first section of this act.*

* See act 1815, ch. 115, post.

Road to be made
as Frederick-
town turnpike
road.

SEC. 5. *And be it enacted*, That this road shall be cleared out, stoned and made, in the same manner as is the Baltimore and Fredericktown turnpike

the first of the year, the weather was very cold, and the wind was very strong, so that the people were very much troubled. The king, however, was very kind, and he gave them many gifts, and he made them very happy. The king was very good, and he was very kind, and he was very generous. The king was very good, and he was very kind, and he was very generous. The king was very good, and he was very kind, and he was very generous.

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road, and shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; *Provided*, that where in the opinion of the said company, any part of the said road will not require stoning, and they can and do at a diminished expense, make such parts of said road without stoning, then and in that case, they shall be entitled to the same tolls as if the same had been stoned; *Provided*, that such parts of said road be kept in good and sufficient repair, and answer all public purposes as well as if the same had been stoned.*

* See act 1816, ch. 153, post.

SEC. 6. *And be it enacted*, That if the said company shall not commence the making of the said turnpike road within two years from the passage of this act, and shall not complete the same in eight years thereafter, the right of the said company to the said road shall revert to the state of Maryland, and the charters of the said banks are hereby declared to expire.*

Road not being completed in a certain time, right of the company to revert the state.

* See act 1814, ch. 76, post.

SEC. 7. *And be it enacted*, That from and after the first day of January, eighteen hundred and fifteen, and the end of the session of the general assembly next thereafter, the president, directors and company of every incorporated bank in this state shall annually, on the first day of January, after the first day of January, eighteen hundred and fifteen, pay, or cause to be paid, to the treasurer of the western shore of the state of Maryland, the sum of twenty cents on every hundred dollars of the capital stock of each bank actually paid in, or which may hereafter be paid in; and any of the said banks neglecting to make such payment for the space of six months after the same shall have become payable, shall thereby forfeit their charters, which shall then be considered null and void, and no longer continued under the provisions of this act.

Capital of bank taxed 20 cents on \$100 annually.

Banks neglecting to pay this tax to forfeit their charters.

SEC. 8. *And be it enacted*, That the charters of such of the banks of this state as comply with the provisions and conditions of this act, shall be renewed

Charters of banks accepted continued.

and continued until the year eighteen hundred and thirty-five, and the session of the general assembly next thereafter; and such of the said banks as agree to accept of the renewal of their charters upon the terms and conditions herein contained, are required to transmit to the executive of this state a certificate of such their determination, on or before the first day of May next, except the banks created this session, which are hereby allowed to the first of November next, to signify their acceptance or rejection of the same.

Notice of acceptance to be given to the executive.

Proceeds of said tax, how to be invested—treasurer of western shore to report annually.

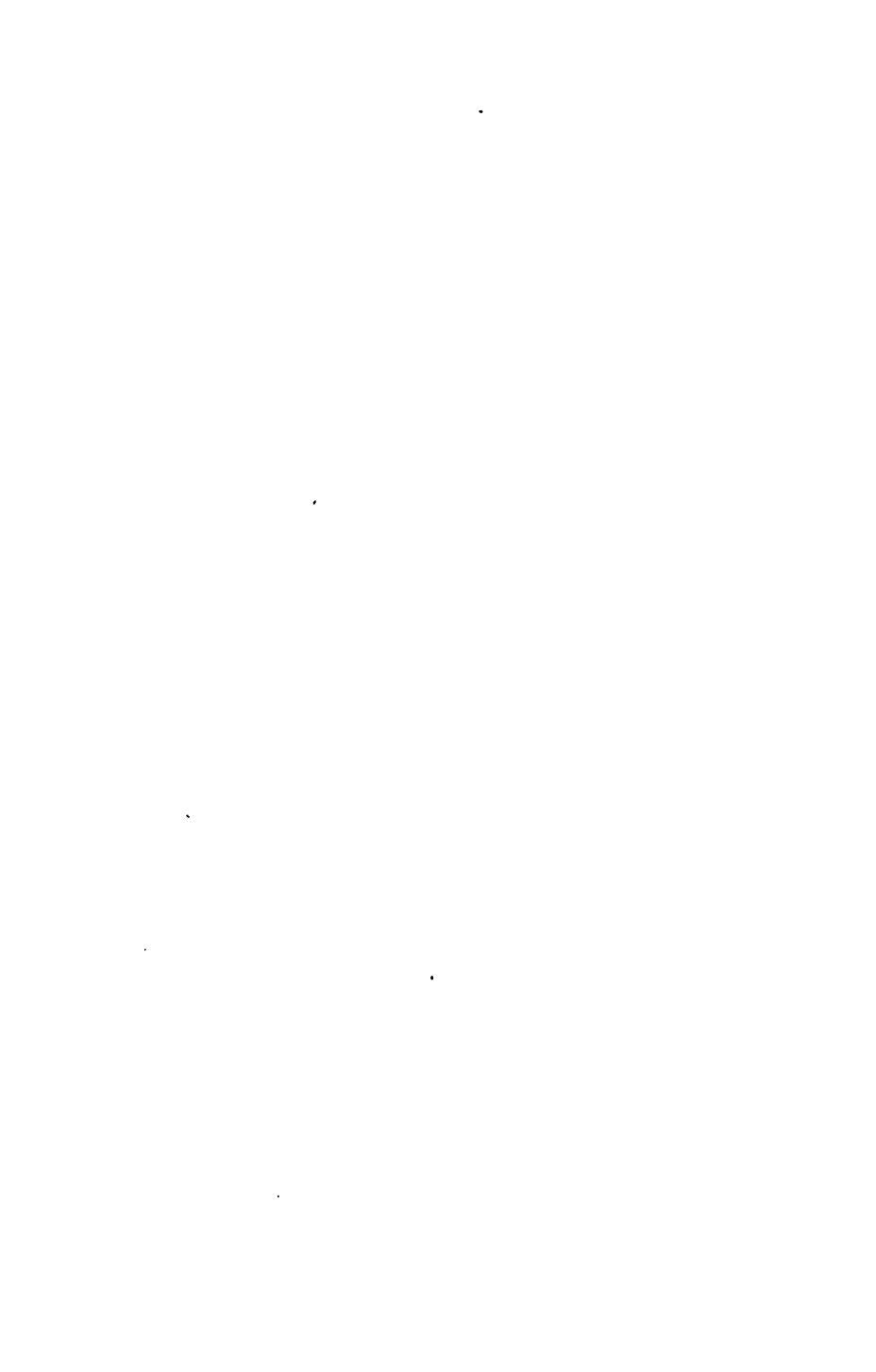
SEC. 9. *And be it enacted*, That the treasurer of the western shore be, and he is hereby directed, from time to time, to invest in stock in the Commercial and Farmers Bank of Baltimore, and Mechanics Bank of Baltimore, for which the state of Maryland is authorized to subscribe in those banks, all such sums of money which he may receive in virtue of this act, together with the dividends arising from such stock, and he is hereby required to keep an account of such stock, which he shall denominate a fund for the establishment of free schools, separately from the rest of the funds of the state of Maryland, and make a report thereof annually to the general assembly.

Fund pledged for the establishment of free schools.

SEC. 10. *And be it enacted*, That the said stock so accumulating is hereby inviolably pledged for the establishment of a general system of free schools throughout the state of Maryland, and shall be used or appropriated for no other purpose whatsoever, and shall be equally divided among the several counties of this state.

Faith of the state pledged to the banks not to impose further tax during the continuance of their charters under this act, and to charter no other bank in Baltimore city before January 1, 1835.

SEC. 11. *And be it enacted*, That upon any of the aforesaid banks accepting of, and complying with the terms and conditions of this act, the faith of the state is hereby pledged not to impose any further tax or burthen upon them during the continuance of their charters under this act; and in case of the acceptance of, and compliance with the provisions of this act, by the several banks hereby required to make the aforementioned road, the faith of the state is further solemnly pledged to the several existing banks in the city of Baltimore, not to grant a charter



of incorporation to any other banking institution to be established in the city or precincts of Baltimore, before the first day of January, eighteen hundred and thirty-five, and the end of the session of the general assembly next thereafter.

SEC. 12. *And be it enacted*, That the said banks Banks to be exempted from school tax upon paying the state \$200,000, before Jan. 1, 1816. specified in the seventh section of this act, should they elect so to do, shall be and they are hereby exempt from the payment of the annual tax hereby imposed, upon condition of their paying to the treasurer of the western shore of the state of Maryland, on or before the first day of January, one thousand eight hundred and sixteen, the sum of two hundred thousand dollars, to be appropriated in the manner herein before provided for.

SEC. 13. *And be it enacted*, That all such parts of Repugnant acts the act to which this is a supplement, or of any other repealed. law, as are repugnant to or inconsistent with the provisions of this act, be, and the same are hereby repealed.

1814.—CHAPTER 76.

A further Supplement to the Act, entitled, an Act to Incorporate a Company to make a Turnpike Road leading to Cumberland, and for the extension of the Charters of the several Banks in the City of Baltimore, and for other purposes.*

* 1812, ch. 79, p. 72.

SECTION 1. *Be it enacted, by the General Assembly of Maryland*, That the time for commencing the work on the said turnpike road, as provided by the act to which this is a supplement, be, and hereby is extended to two years from and after the passage of this act, any thing contained in any former law to the contrary notwithstanding.* Time for commencing work extended.

* Act 1813, ch. 122, sec. 6, p. 75.

SEC. 2. *And be it enacted*, That such of the banks Banks having accepted terms entitled to benefit contained in act to which this is a further supplement, subsequent to the time required by that act, or which may ac-

cept the same before the first day of June next, shall have and be entitled to all the benefits and privileges contained in the act to which this is a further supplement.

1815.—CHAPTER 115.

A further Supplement to the Act, entitled, an Act to Incorporate a Company to make a Turnpike Road leading to Cumberland, and for the extension of the Charters of the several Banks in this State, and for other purposes.*

* See act 1813, ch. 122, p. 72.

Appointments,
&c. made valid.

SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That the several appointments made by the different banks in this state, of managers of the Cumberland turnpike road company, and all their proceedings had under such appointments, shall be, and are hereby declared to be as valid as if the said managers had been appointed agreeably to law.

1816.—CHAPTER 153.

An additional Supplement to the Act, entitled, an Act to Incorporate a Company to make a Turnpike Road leading to Cumberland, and for the extension of the Charters of the several Banks in this State, and for other purposes.*

* See act 1813, ch. 122, p. 72.

Company may
agree with
owners of land
for damages sus-
tained, mate-
rials, &c.

SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That in all cases where damages are claimed by the owner or owners of land through which the Cumberland turnpike road may pass, or where stone, gravel, earth or sand, not already quarried or dug for the use of the owner or owners, or for sale, shall be necessary for making or repairing the said turnpike road, the president and managers of the Cumberland turnpike road company, or a majority of them, or any person authorized by them, may agree with the owner or owners of such land, for such

the same day he was taken ill, and died the next day, at the age of 70. He was buried in the church of St. Andrew, in the city of London.

His death was a great loss to the world, and to the friends of literature and science. He was a man of great talents, and of great industry.

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SUPPLEMENTS.—1816, ch. 153.

damages as may be sustained by the said road passing through the same, or with the owner or owners of said materials for the purchase of the same, or with the owner or owners of the land on which the same may be for the purchase of the said land; and in case of disagreement, or in case the owner shall be a *feme covert*, under age, or *non compos*, or out of the state or county, the president of the said company, or any person authorized by him for that purpose, shall apply to a justice of the peace of the county where such land shall lie, whose duty it shall be thereupon to issue his warrant, directed to the sheriff of the same county, commanding him to summon twelve persons who have no interest in the land or materials in question, and who are qualified to serve as jurors in the county court, to meet at the place where said land or materials may be, on a day in the said warrant to be specified, not exceeding sixty days after the day of application by the president aforesaid; and the said sheriff shall qualify the said persons, either by oath or affirmation, as the case may be, justly, truly and impartially, to value the damages which may be sustained by the owner or owners of the land through which said road may pass, or the materials required by said company, in which valuation the said jury shall take into consideration the advantages and disadvantages of the said turnpike to the said owner or owners; and the said jurors shall, after valuing the damages as aforesaid, return under their hands and seals, to the justice who issued the warrant, one copy of the said valuation, one other copy to the president of the company, and one other copy to the owner or owners of the said land or materials, if such owner shall reside in the county where the land lies, and shall not be under any legal disability to receive the money sustained as damages as aforesaid, and give sufficient discharges therefor; and the president and managers aforesaid shall pay, or secure to be paid, the damages so adjudged, before they shall proceed to open the said road, or remove the said materials; and if such owner or owners shall reside out of the county, or be under any legal disability, then the president on

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RESOLUTION.—1818, No. 34.

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the part of the said company, shall enter into bond conditioned for the payment of the damages assessed, to the person or persons who may be legally entitled to, and duly authorized to receive the same, and shall lodge said bond, and a copy of the said valuation, in the office of the clerk of the county court where the land lies, to be by him recorded, and upon such bond, or an office copy thereof, suit may be instituted against the obligor or obligors therein named, by any person or persons entitled to receive such damages; and the justice and sheriff shall be entitled to receive the same fees as are allowed in similar cases, and the persons summoned as jurors to value the damages sustained as aforesaid, shall each receive one dollar for every day he shall attend for that purpose; which fees and allowance shall be paid by the president and managers aforesaid, and the same proceedings shall be had, if required, in case of damage done to, or apprehended by, the owner or owners of any land or tenements over or through which said road may pass.

1818.—RESOLUTION No. 34.

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Resolved, That the governor and council be, and they are hereby authorized and requested, to endeavour to ascertain the best terms upon which the possession of the Cumberland bank road can be obtained by the state, with a view that the said road shall be held by the state to promote the general interests of the trade and intercourse of Maryland with the western country; and also to inquire upon what terms the said banks will consent, (in the event of the said roads remaining in their hands,) to release from toll all wagons and carriages of heavy burden, the tire of whose wheels shall be of a certain fixed width, and to report the result of their inquiries to the next general assembly, in the first week of the session.

SUPPLEMENTS.—1821, ch. 216.

1820.—CHAPTER 47.

A Supplement to an Act, entitled, an Act to establish a Bank in the City of Baltimore, to be called The City Bank of Baltimore, and to an Act, entitled, a Supplement to an Act to Incorporate a Company to make a Turnpike Road leading to Cumberland, and for the extension of Charters of the several Banks in the City of Baltimore, and for other purposes.

SEC. 4. *And be it enacted, That the president, directors and company of the City Bank of Baltimore, be, and the same are hereby authorized and empowered, to sell or dispose of the interest of the said Bank in the Cumberland road stock, and to transfer to the purchaser or purchasers thereof the same rights, privileges and immunities, that are now possessed by the said bank under the act incorporating the said turnpike company.*

Interest of Bank of Baltimore in Cumberland road may be sold

1821.—CHAPTER 216.

A further Supplement to the Act, entitled, an Act to Incorporate a Company to make a Turnpike Road leading to Cumberland, and for the extension of the Charters of the several Banks in the City of Baltimore, and for other purposes.

SECTION 1. *Be it enacted, by the General Assembly of Maryland, That the president, managers and company of the Cumberland turnpike road, shall have power to subdivide into shares of twenty dollars each, the capital stock of said company; and that said certificates shall, when issued, be signed by the president, and countersigned by the secretary, and sealed with the common seal of said company, according to such rules as the president and managers thereof may from time to time adopt; which said certificates shall be issued upon the application of any bank, or those who may hold under any bank. They shall indicate the entire number of shares, or subdivided into such smaller portions, as the party interested may desire.*

Capital stock of Cumberland road may be divided into shares of \$20 each.
Certificates to be issued

Ratio of voting
on subdivided
shares.

Proviso.

In case any bank
shall sell a part
of its stock.

Vacancies in the
board, how to be
filled.

Managers to be
stockholders.

Seal.

By-laws, &c.

SEC. 2. *Be it enacted*, That at all succeeding elections for managers of the aforesaid turnpike road, that each and every share of stock subdivided as aforesaid, shall be entitled to one vote; and at all such elections, each bank, or those who may hereafter hold a subdivided interest under any bank interested in said turnpike company, shall only vote for a manager or managers to represent their own several and respective interests; and the number of said managers to represent each bank, or those holding the interest of any bank, shall be according to the ratio expressed in the fourth section of the act passed at the December session, eighteen hundred and thirteen, chapter one hundred and twenty-two; *And provided*, any bank that may sell a part of its stock shall thereafter be considered as holding a subdivided interest, and entitled according to its interest only to the privileges of an individual stockholder. And at all elections, the said votes shall be made by ballot, separate and apart from each other; and within five days thereafter the managers thus elected shall meet after every election as aforesaid, and by ballot choose from among their number a president; and in the event of any vacancy happening by the death, resignation, or the omission on the part of any of the banks, or those holding under any bank or banks, to elect a manager or managers to which their respective interests are entitled, the same may be filled up by a choice made by the managers elected as aforesaid, for the remainder of the year, or until the next election; and in the choice of a manager or managers as aforesaid, the same shall be selected from the stockholders of a bank, or from the stockholders who hold under a bank, as the case may be, where said vacancy may happen.

SEC. 3. *Be it enacted*, That the president, managers and company aforesaid, shall have power to make and use a common seal, and the same to break, alter and renew at pleasure, and also to ordain and establish, and put in execution such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation, which shall not be contrary to the laws or constitu-

The first part of the book is devoted to a general history of the United States from the discovery of the continent to the present time. The second part is a history of the individual states, and the third part is a history of the federal government. The book is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable work for students and teachers alike.

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SUPPLEMENTS.—1835, ch. 186.

tion of this state; and in case it should so happen, that an election of managers should not be made upon any day, when pursuant to the several laws in relation to the subject it ought to have been made, the said corporation shall not for that cause be declared to be dissolved, but it shall be lawful on any other day to hold and make the election of managers as aforesaid, in such manner as shall be adjusted and regulated by the several by-laws and ordinances which may hereafter be established.

Failure to elect managers.

Corporation to be dissolved.

SEC. 4. *Be it enacted*, That if in the subdivision of the stock as aforesaid, there shall be a fractional part of a share belonging to any bank, that the said president, managers and company, are hereby authorized to refund the same to the several parties entitled thereto, so as to constitute an equal sum; and that in all future dividends, the same shall be declared upon the capital that may remain after said fractional parts are refunded.

Fractional shares.

SEC. 5. *And be it enacted*, That all such parts of the acts to which this is a supplement, or any other laws, as are repugnant to, or inconsistent with the provisions of this act, be, and they are hereby repealed.

Acts repealed.

1835.—CHAPTER 186.

A further Supplement to the Act, entitled, an Act to Incorporate a Company to make a Turnpike Road leading to Cumberland, and for the extension of the Charters of the several Banks in this State, and for other purposes, passed at November session, eighteen hundred and twelve, chapter seventy-nine.

WHEREAS, an article of agreement has been entered into by the president, managers and company of the Cumberland turnpike road, and the Chesapeake and Ohio canal company, by which it has been stipulated and agreed that the said canal company shall have the privilege of using and occupying, for the Chesapeake and Ohio canal, certain portions of the turnpike road leading from the west bank of the Conococheague creek to Hancock, and thence to the town of Cumberland, in Allegany

Preamble.

county, which road was made and constructed by virtue of the aforesaid act of assembly and its several supplements; *And whereas*, it will be necessary to change and alter the present location of said turnpike road, at such points as may be required for the use of said canal; therefore,

Turnpike company authorized to transfer to Chesapeake and Ohio Canal Company certain portions of the present bed of said road.

Present location of road may be changed.

Proviso.

Right of turnpike company to condemn land.

Vested rights in the portions altered.

SECTION 1. *Be it enacted, by the General Assembly of Maryland*, That the president, managers and company of the Cumberland turnpike road, be, and they are hereby authorized and empowered, to transfer to the Chesapeake and Ohio canal company, such portions of the present bed of said turnpike road as may be found necessary to be used and occupied by the said canal, upon such terms and conditions as the said president and managers of the Cumberland turnpike road, and the Chesapeake and Ohio canal company have heretofore, or may hereafter mutually agree upon; and that the present location of said road may be so altered, and such other ground used and occupied for said road at the points at which said road and canal may come in contact, as may be found necessary, and on such terms as have heretofore or may hereafter be agreed upon by said companies; *Provided*, that the said alterations in said road be made of the same dimensions, materials and grade, as other portions of said road have been made heretofore.

SEC. 2. *And be it enacted*, That the president, managers and company of the Cumberland turnpike road, be, and they are hereby invested with all and singular the powers, rights and privileges for condemning such lands as may be necessary for the alterations of said road, by a jury or juries, or of agreeing with the owners of such land for the purchase of the same, as they possessed by virtue of said act of assembly and its supplements, before the said road was completed.

SEC. 3. *And be it enacted*, That as soon as the aforesaid alteration in said turnpike road shall have been made and completed in manner aforesaid, the said president, managers and company of the Cumberland turnpike road, be, and they are hereby clothed and invested with all and singular the rights,

privileges, immunities and advantages, as respects said road and the portions thereof, altered as aforesaid, as they originally held, used, possessed and enjoyed, under and by virtue of the said acts of assembly, and the several supplements thereto, at any time since the said road was first made and completed.

Vested rights in the portions altered.

BOONSBOROUGH TURNPIKE ROAD.

1821.—CHAPTER 131.

An Act to Incorporate a Company to make a Turnpike Road from Boonsborough to Hagerstown, and for the extension of the Charters of the several Banks in the City of Baltimore, and for other purposes.

Preamble.

WHEREAS, it is to the interest of the state that a turnpike road should be made leading from Boonsborough to Hagerstown in Washington county, and it is represented to the legislature that the banks herein after mentioned are willing to make the same if an extension of their several charters be granted to them as they were heretofore extended by an act entitled, a supplement to the act, entitled, an act to incorporate a company to make a turnpike road leading to Cumberland, and for the extension of the charters of the several banks in the city of Baltimore, and for other purposes, passed at December session, eighteen hundred and thirteen, chapter one hundred and twenty-two; therefore,

Presidents and directors of the several banks in the city of Baltimore incorporated to make a road.

Name and style.

SECTION 1. *Be it enacted, by the General Assembly of Maryland,* That the presidents and directors for the time being of the several incorporated banks in the city of Baltimore, (except of the City Bank of Baltimore,) and the president and directors of the Hagerstown Bank, be, and they are hereby incorporated and constituted a body politic, by the name and style of the President, Managers and Company of the Boonsborough Turnpike Road; and by that name, the said presidents and directors of the aforesaid banks and their successors, shall have succes-



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sion for the purpose of surveying, locating and making by the nearest practicable route, a turnpike road commencing at the town of Boonsborough, in Washington county, and running thence to Hagerstown; and the said president, managers and company of the Boonsborough turnpike road, shall be, and are hereby clothed and invested, as respects the said road, with all and singular the rights, privileges, immunities and advantages, held, used and possessed by the several turnpike companies, incorporated by an act of assembly, passed at November session, eighteen hundred and four, chapter fifty-one, entitled, an act to incorporate companies to make several turnpike roads through Baltimore county, and for other purposes; and shall be entitled to the same tolls, be governed by the same regulations, and be liable to the same fines, penalties and restrictions, as the said companies now by law are; and shall elect their president, managers and other officers in the same manner and at the same time that the president, managers and company of the Baltimore and Fredericktown turnpike road are by law required to do.

Route.

Rights, privileges and immunities

* See p. 5.

Tolls—see s. p. 19.

Fines—see p. 23.

Election of president, managers and other officers—see p. sec. 7.

SEC. 2. *And*, for the purpose of raising a fund to make and complete said road, *Be it enacted*, That the charters of the several banks aforesaid shall be, and they are hereby continued and extended to the first day of January, eighteen hundred and forty-five, and to the end of the session of the general assembly next thereafter, upon condition of the said several banks subscribing in proportion to their respective capitals actually paid in at the time of such subscriptions, for as much stock as is necessary and sufficient to finish and complete said road as herein after directed, and in case any of the said banks shall augment their said capital after such subscription, the president and directors of such bank are hereby required, (and upon this condition is the charter of such bank renewed,) to subscribe for so much stock in said company as the quota of such bank with its capital so augmented would have been, had such augmentation existed at the time of the original subscription for the stock of said road company; and the sum or

Fund to make and complete said road, how to be raised.

Bank charter extended to 1 January, 184 Condition.

sums paid on such increased stock, in case the road shall have been completed, shall be distributed among the several stockholders in proportion to the amount of stock by them respectively held.

Books to be opened for receiving subscriptions to stock.

SEC. 3. *And be it enacted*, That the president of such of the aforesaid banks, or a majority of them, as determine to accept of the terms and reap of the benefits proposed to them by the provisions of this act, be, and they are hereby authorized and directed, to cause books to be opened in the city of Baltimore, for the purpose of receiving subscriptions for said stock, and to do all other matters and things necessary to carry the provisions of this act into effect, until the managers of said company are chosen in the manner herein after provided for.

Managers, how to be chosen.

SEC. 4. *And be it enacted*, That as soon as the stock aforesaid shall have been subscribed, the president and directors of each of the said banks so subscribing, shall choose one manager out of the stockholders in their respective banks, for every eight thousand dollars of road stock by them subscribed, reserving, however, to each of the said banks the choice of one manager, although its quota of stock may not amount to that sum; which said managers shall assemble and choose from among themselves a president, and shall elect a treasurer and other necessary agents and officers; and the said president, managers and treasurer, shall in all things act as such until a president, managers and treasurer are elected in the month of October next thereafter, as provided for by the first section of this act.

President, treasurer and other officers, how elected.

Road to be stoned as Baltimore and Fredericktown turnpike road—see s. 17, p. 17.

Proviso.

SEC. 5. *And be it enacted*, That this road shall be cleared out, stoned and made in the same manner as is the Baltimore and Fredericktown turnpike road, and shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; *Provided*, that where in the opinion of the said company, any part of the said road will not require stoning, and they can and do, at a diminished expense, make such parts of said road without stoning, then and in that case they shall be entitled to the same tolls as if the same had been stoned; *Provided*,

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that such parts of said road be kept in good and sufficient repair, and answer all public purposes as well as if the same had been stoned.

SEC. 6. *And be it enacted*, That if the said company shall not commence the making of the said turnpike road, within two years from the passage of this act, and shall not complete the same in four years thereafter, the right of the said company to the said road shall revert to the state of Maryland, and the charters of the said banks are hereby declared not to be continued or extended by virtue of this act. When to be commenced.

SEC. 7. *And be it enacted*, That on the first day of January, 1836, and on the first day of January annually thereafter, the president, directors and company of the aforesaid banks, shall pay, or cause to be paid to the treasurer of the western shore of the state of Maryland, the sum of twenty cents on every hundred dollars of the capital stock of each bank actually paid in, or which may hereafter be paid in; and any of the said banks neglecting to make such payment for the space of six months after the same shall have become payable, shall thereby forfeit their charters, which shall then be considered null and void, and no longer continued under the provisions of this act. Tax on the bank capital.

SEC. 8. *And be it enacted*, That the charters of such of the aforesaid banks as comply with the provisions and conditions of this act, shall be renewed and continued until the year eighteen hundred and forty-five, and the session of the general assembly next thereafter; and such of the said banks as agree to accept of the renewal of their charters upon the terms and conditions herein contained, are required to transmit to the executive of this state a certificate of such their determination, on or before the first day of January next. Charters of banks accept the provision this act extended.

SEC. 9. *And be it enacted*, That the treasurer of the western shore be, and he is hereby directed, from time to time, to invest in such manner as he may be hereafter directed by law, all such sums of money which he may hereafter receive in virtue of this act, together with the dividends arising from such investment; and he is hereby required to keep Sums of money received in virtue of this act to be invested by the treasurer as a fund for the establishment of free schools

an account of such investment, which he shall denominate a fund for the establishment of free schools, separately from the rest of the funds of the state of Maryland, and make a report thereof annually to the general assembly.

Investment pledged for the benefit of the free school system, and to be equally divided among the several counties.

SEC. 10. *And be it enacted*, That the investment so accumulating, is hereby inviolably pledged for the establishment of a general system of free schools throughout the state of Maryland, and shall be used and appropriated for no other purpose whatsoever, and shall be equally divided among the several counties of this state.

Faith of the state pledged not to impose a further tax on the banks accepting this act, nor to establish new banks in the city of Baltimore, before January 1, 1845.

SEC. 11. *And be it enacted*, That upon any of the aforesaid banks accepting of and complying with the terms and conditions of this act, the faith of the state is hereby pledged not to impose any further tax or burthen upon them during the continuance of their charters under this act; and in case of the acceptance of, and compliance with the provisions of this act, by the several banks hereby required to make the aforementioned road, the faith of the state is further pledged to the aforesaid banks in the city of Baltimore, not to grant a charter of incorporation to any other banking institution to be established in the city or precincts of Baltimore, before the first day of January, eighteen hundred and forty-five, and the end of the session of the general assembly next thereafter.

Banks exempt from annual tax upon payment of \$100,000 before January 1, 1823.

SEC. 12. *And be it enacted*, That the said banks specified in the seventh section of this act, should they elect so to do, shall be, and they are hereby exempt from the payment of the annual tax hereby imposed, upon condition of their paying to the treasurer of the western shore of the state of Maryland, on or before the first day of January, eighteen hundred and twenty-three, the sum of one hundred thousand dollars, to be appropriated in the manner herein before provided for.

Banks not to be released from the conditions prescribed by the act of 1813, ch. 122.

SEC. 13. *And be it enacted*, That nothing herein contained shall release any of the aforesaid banks from their obligation to comply with the terms and conditions of the aforesaid act of eighteen hundred and thirteen, chapter one hundred and twenty-two;

